



Australian Capital Territory

Electronic Conveyancing National Law (ACT) Act 2020

A2020-15

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Australian Capital Territory

Electronic Conveyancing National Law (ACT) Act 2020

A2020-15

An Act to apply a national law relating to electronic conveyancing, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Part 1 Preliminary

1 Name of Act

This Act is the *Electronic Conveyancing National Law (ACT) Act 2020*.

2 Commencement

This Act commences on 1 June 2020.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Dictionary

- (1) The dictionary at the end of this Act is part of this Act.
- (2) A definition in the dictionary applies to the local application provisions of this Act.

Note 1 The dictionary at the end of this Act defines certain terms used in this Act.

Note 2 A definition in the dictionary applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

4 Terms used in Electronic Conveyancing National Law (ACT)

Terms used in the local application provisions of this Act and also in the *Electronic Conveyancing National Law (ACT)* have the same meanings in those provisions as they have in the *Electronic Conveyancing National Law (ACT)*.

Note A definition in an Act applies except so far as the contrary intention appears (see [Legislation Act](#), s 155).

5 Notes

A note included in the local application provisions of this Act is explanatory and is not part of this Act.

Note See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

Part 2 Application of Electronic Conveyancing National Law

6 Application of Electronic Conveyancing National Law

- (1) Subject to subsection (2), the Electronic Conveyancing National Law, as in force from time to time, set out in the appendix to the *Electronic Conveyancing (Adoption of National Law) Act 2012* (NSW)—
 - (a) applies as a territory law, as modified by schedule 1; and
 - (b) as so applying may be referred to as the *Electronic Conveyancing National Law (ACT)*; and
 - (c) so applies as if it were part of this Act.
- (2) A law that amends the Electronic Conveyancing National Law set out in the appendix to the *Electronic Conveyancing (Adoption of National Law) Act 2012* (NSW), and is passed by the New South Wales Parliament after this Act’s notification day, commences on—
 - (a) the 90th day after the day the law commences in NSW (the *default commencement day*); or
 - (b) if a different day is declared by the Minister before the default commencement day—that day.
- (3) A declaration under subsection (2) (b) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

7 Exclusion of Legislation Act

- (1) The [Legislation Act](#) does not apply to the *Electronic Conveyancing National Law (ACT)* other than section 25, as modified by schedule 1.
- (2) Subsection (1) does not limit the application of the [Legislation Act](#) to the local application provisions of this Act.

8 Meaning of certain terms in Electronic Conveyancing National Law (ACT)

In the *Electronic Conveyancing National Law (ACT)*:

land titles legislation means the following:

- (a) the *Community Title Act 2001*;
- (b) the *Land Titles Act 1925*;
- (c) the *Land Titles (Unit Titles) Act 1970*;
- (d) the *Unit Titles Act 2001*;
- (e) any other territory law prescribed by regulation.

Registrar means the registrar-general.

registry instrument means any instrument that is required or permitted by a law in force in the Territory to be lodged with the registrar-general under the land titles legislation.

responsible tribunal means the Supreme Court.

this jurisdiction means the Australian Capital Territory.

titles register means the register kept under the *Land Titles Act 1925*, section 43.

9 Regulation-making power

The Executive may make regulations for this Act.

Note A regulation must be notified, and presented to the Legislative Assembly, under the *Legislation Act*.

Schedule 1 Modifications—Electronic Conveyancing National Law

(see s 6 (a))

[1.1] Section 25

substitute

25 Publication of operating requirements and participation rules

- (1) An operating requirement or a participation rule—
 - (a) is a disallowable instrument; and
 - (b) must be notified at least 20 business days before the requirement or rule commences.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

- (2) However, if the Registrar is satisfied that an operating requirement or a participation rule must be made urgently because an emergency situation exists, the requirement or rule—
 - (a) may state that because of an emergency situation the requirement or rule commences on a stated day before the end of the 20 business days; and
 - (b) commences on the stated day.
- (3) For subsection (2), an ***emergency situation*** exists if the Registrar considers that because of the occurrence of an event or the existence of particular circumstances, the operation, security, integrity or stability of an ELN or the titles register or land titles system is being, or is likely to be, jeopardised.

- (4) If an operating requirement or a participation rule is notified less than 20 business days before its proposed commencement and subsection (2) does not apply—
- (a) the requirement or rule is valid; but
 - (b) it commences on the 20th business day after its notification day.
- (5) Subsection (1) (b) and (4) do not apply to an operating requirement or participation rule notified before the day this schedule commences.
- Note* An operating requirement or participation rule may be notified after this Act is notified and before it commences (see [Legislation Act](#), s 81).
- (6) Subsection (5) and this subsection expire on 1 June 2021.

[1.2] New section 35 (4)

insert

- (4) If the Registrar refers a matter to an appropriate authority, the Registrar may give the appropriate authority any information held by the Registrar that is reasonably relevant to the matter.

Dictionary

(see s 3)

Note 1 The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

Note 2 For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- disallowable instrument (see s 9)
- notification
- registrar-general
- Supreme Court
- territory law.

Electronic Conveyancing National Law (ACT) means the provisions applying because of section 6.

local application provisions of this Act means the provisions of this Act other than the *Electronic Conveyancing National Law (ACT)*.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 20 February 2020.

2 Notification

Notified under the [Legislation Act](#) on 13 May 2020.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Electronic Conveyancing National Law (ACT) Bill 2020, which was passed by the Legislative Assembly on 7 May 2020.

Clerk of the Legislative Assembly

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