



Australian Capital Territory

Electronic Conveyancing National Law (ACT) Act 2020

A2020-15

Republication No 1

Effective: 1 June 2020

Republication date: 1 June 2020

Act not amended

About this republication

The republished law

This is a republication of the *Electronic Conveyancing National Law (ACT) Act 2020* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 1 June 2020. It also includes any commencement, repeal or expiry affecting this republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register (www.legislation.act.gov.au). For more information, see the home page for this law on the register.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

Electronic Conveyancing National Law (ACT) Act 2020

Contents

	Page	
Part 1	Preliminary	
1	Name of Act	2
3	Dictionary	2
4	Terms used in Electronic Conveyancing National Law (ACT)	2
5	Notes	2
Part 2	Application of Electronic Conveyancing National Law	
6	Application of Electronic Conveyancing National Law	3
7	Exclusion of Legislation Act	3
8	Meaning of certain terms in Electronic Conveyancing National Law (ACT)	4
9	Regulation-making power	4
<hr/>		
R1 01/06/20	Electronic Conveyancing National Law (ACT) Act 2020 Effective: 01/06/20	contents 1

Contents

	Page
Schedule 1 Modifications—Electronic Conveyancing National Law	5
Dictionary	7
Endnotes	
1 About the endnotes	8
2 Abbreviation key	8
3 Legislation history	9
4 Amendment history	9



Australian Capital Territory

Electronic Conveyancing National Law (ACT) Act 2020

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

Part 1 Preliminary

1 Name of Act

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

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 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history**Electronic Conveyancing National Law (ACT) Act 2020 A2020-15**

notified LR 13 May 2020

s 1, s 2 commenced 13 May 2020 (LA s 75 (1))

remainder commenced 1 June 2020 (s 2)

4 Amendment history**Commencement**

s 2 from LA s 89 (4)

© Australian Capital Territory 2020