



Australian Capital Territory

Land Titles (Electronic Conveyancing) Legislation Amendment Act 2020

A2020-16

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Australian Capital Territory

Land Titles (Electronic Conveyancing) Legislation Amendment Act 2020

A2020-16

An Act to amend legislation in relation 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 *Land Titles (Electronic Conveyancing) Legislation Amendment Act 2020*.

2 Commencement

This Act commences on the commencement of the *Electronic Conveyancing National Law (ACT) Act 2020*, section 3.

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

3 Legislation amended

This Act amends the *Land Titles Act 1925* and the *Land Titles (Unit Titles) Act 1970*.

Note This Act also amends other legislation (see sch 1).

Part 2 Land Titles Act 1925

4 Meaning of *registrable form* Section 4 (c)

substitute

- (c) any document that is required to be produced under section 14 (1) (a) or (ba) for the instrument is produced when the instrument is lodged; and
- (ca) certification under section 48BA or section 48BB, or verification under section 48BC, is provided for the instrument; and
- (cb) any document for the instrument that is required to be provided under section 48BH (2) is provided when the instrument is lodged; and

5 Powers of registrar-general Section 14 (1) (a)

omit

certificate of title,

6 New section 14 (1) (ba)

insert

- (ba) for an instrument lodged under section 48BA or section 48BB—require the legal practitioner or mortgagee corporation to produce a document in relation to which certification under those sections was given; and

Note The registrar-general may also require documents in relation to an instrument from a legal practitioner or mortgagee corporation under s 48BH.

7 Section 14 (1) (g)

omit

certificate of title or other

8 Section 14 (1) (h) (i)

omit

certificates of title,

9 New section 14 (8)

insert

- (8) The registrar-general may deal with any document the registrar-general is required or permitted to deal with under this Act or another territory law electronically or by any other means the registrar-general considers fit.

**10 Penalty for obstructing registrar-general
Section 15 (1)**

omit

section 14 (1) (a) or (b)

substitute

section 14 (1) (a), (b) or (ba)

**11 Land brought under Act
Section 18 (2) (d) (v)**

substitute

- (v) the interest in the land must be registered in the name of the corporation; or

12 Sections 21 (2) and 25

omit everything from

issuing

to

Act

substitute

registering the applicant's interest in the land

**13 Applicant may withdraw application
Section 27**

omit

prior to the issuing of the certificate of title

substitute

before the registrar-general registers the applicant's interest in the land

**14 Land occupied may be brought under Act by different
description from that in title on special application
Section 28**

omit

a certificate of title

substitute

registration

15 Section 29 heading

substitute

29 Applications to bring land under Act may be granted for land occupied under, but not described in, title deeds

16 Section 29

omit

for the issue of an amended certificate of title or for the amendment of a grant or certificate of title

substitute

for the amendment of a grant or the register

17 Section 29

omit

or grant or certificate of title

substitute

, grant or register

18 Part 6 heading

substitute

**Part 6 Bringing land under the Act—
miscellaneous**

**19 Documents of title how to be dealt with
Section 35 (1)**

omit

Upon issuing a certificate of title

substitute

On registering an interest

20 Section 35 (1)

omit

annexing thereto the certificate of title

21 Section 35 (2)

omit

certificate of title

substitute

register

**22 How certificate of title to issue in case of previous death
of applicant
Section 36**

omit

**23 Bringing under this Act of land to which State Act applies
Section 38 (6)**

omit

folium

substitute

folio

24 Sections 46 and 47

substitute

46 Registering fee simple estate for which leasehold interest registered

Before bringing under this Act an estate in fee simple in relation to which a leasehold interest has been registered, the registrar-general must—

- (a) close the folio of the register for the leasehold interest; and
- (b) enter on the folio of the register for the estate in fee simple all interests on the register affecting the leasehold interest.

47 When instruments etc taken to be registered

- (1) A grant lodged for registration is taken to be registered under this Act when it is marked by the registrar-general with a folio and volume of the register for the land.
- (2) A memorandum of transfer or other instrument purporting to transfer or otherwise deal with or affect an interest in land is taken to be registered under this Act when a memorial of the instrument is entered on the folio of the register for the land.
- (3) The person named in the registered grant or instrument as the person owning or taking legal possession of (however described) the land or interest in land is taken to be the registered proprietor of the land or interest when the grant or instrument is registered.

**25 Registration of transfers of mortgages, subleases etc
Section 47A (1)**

omit

folium constituted by the existing grant or certificate of title

substitute

folio for the land

**26 Instruments—registration and priority
Section 48 (3), new note**

insert

Note The execution of an instrument lodged for registration by a legal practitioner or mortgagee corporation is not required to be witnessed because certification for the instrument is given (see s 48BD and E-Conveyancing Law, s 11).

27 Section 48B heading

substitute

48B Lodgment of instruments—registrable form**28 Section 48B (2) (a)**

substitute

- (a) refuse to register it and require—
- (i) 1 or more of the parties to the instrument to—
 - (A) alter or correct the instrument; or
 - (B) provide a stated document under section 14 (1) (a);
or

- (ii) for an instrument lodged under section 48BA or section 48BB—the legal practitioner or mortgagee corporation to—
 - (A) alter or correct the instrument; or
 - (B) provide certification under section 48BA or section 48BB in appropriate form; or
 - (C) provide a stated document under section 14 (1) (ba) or section 48BH (2); or

29 New section 48B (3)

insert

- (3) In this section:

appropriate form, of certification for an instrument lodged for registration—see section 48BA (5).

30 New sections 48BA to 48BI

insert

48BA Lodgment of instruments by legal practitioners—certification

- (1) This section applies if a legal practitioner lodges an instrument purporting to transfer or otherwise deal with or affect an interest in land with the registrar-general for registration on behalf of a party to the instrument.
- (2) The registrar-general must not register the instrument unless, for each person who is a party to the instrument, the legal practitioner for the person certifies in the appropriate form—
 - (a) that the person has authorised the legal practitioner under a client authorisation to lodge the instrument and do all other things necessary to ensure the instrument is registered; and

- (b) that the legal practitioner has verified the person's identity in accordance with the verification of identity rules as in force at the time of verification; and
 - (c) that the legal practitioner has verified the person's authority to deal with the land under the instrument in accordance with the verification of authority rules as in force at the time of verification; and
 - (d) that any document relevant to certification under this section that is required to be kept by the legal practitioner under this Act and, if relevant, the E-Conveyancing Law, has been kept; and
 - (e) that the legal practitioner has complied with any other requirement in relation to the instrument under this Act and, if relevant, the E-Conveyancing Law; and
 - (f) that the legal practitioner has complied with any requirement prescribed by regulation.
- (3) Certification under subsection (2) may only be provided by a legal practitioner who has personal knowledge of the matter the legal practitioner is certifying.
- (4) The registrar-general may exempt a legal practitioner, or an instrument prescribed by regulation, from a certification requirement under subsection (2).
- (5) In this section:
- appropriate form***, of certification for an instrument lodged for registration, means—
- (a) for an instrument lodged electronically under the E-Conveyancing Law—certification that complies with the participation rules; or
 - (b) in any other case—the form required by the registrar-general.

client authorisation means—

- (a) for an instrument lodged electronically under the E-Conveyancing Law—see the E-Conveyancing Law, section 10; or
- (b) in any other case—an authorisation in a form required by the registrar-general.

participation rules—see the E-Conveyancing Law, section 23.

party, to an instrument, includes a person acting on behalf of another person (under a power of attorney or otherwise) but does not include a legal practitioner acting under a client authorisation.

48BB Lodgment of instruments by mortgagee corporations— certification

- (1) This section applies if a mortgagee corporation lodges a mortgage or other instrument purporting to deal with or affect an interest in land with the registrar-general for registration.

Note 1 Section 48BA applies to a mortgagee represented by a legal practitioner.

Note 2 Section 48BC applies to a mortgagee who is not a corporation and not represented by a legal practitioner.

- (2) The registrar-general must not register the instrument unless the mortgagee certifies in the appropriate form—
 - (a) that the mortgagee has verified the mortgagor's identity in accordance with the verification of identity rules as in force at the time of verification; and
 - (b) that the mortgagee has verified the mortgagor's authority to deal with the land under the instrument in accordance with the verification of authority rules as in force at the time of verification; and

- (c) that any document relevant to certification under this section that is required to be kept by the mortgagee under this Act and, if relevant, the E-Conveyancing Law, has been kept; and
 - (d) that the mortgagee has complied with any other requirement in relation to the instrument under this Act and, if relevant, the E-Conveyancing Law; and
 - (e) that the mortgagee has complied with any requirement prescribed by regulation.
- (3) Certification under subsection (2) may only be provided by an employee of the mortgagee corporation who has personal knowledge of the matter the employee is certifying.
- (4) The registrar-general may exempt a mortgagee corporation, or an instrument prescribed by regulation, from a certification requirement under subsection (2).
- (5) In this section:
- appropriate form*, of certification for an instrument lodged for registration—see section 48BA (5).
- participation rules*—see the E-Conveyancing Law, section 23.

**48BC Lodgment of instruments by self-represented parties—
verification of identity and authority**

- (1) This section applies if a party to an instrument purporting to transfer or otherwise deal with or affect an interest in land lodges the instrument, in person, with the registrar-general.
- (2) The registrar-general must not register the instrument unless the registrar-general has verified—
 - (a) the party's identity in accordance with the verification of identity rules as in force at the time of verification; and

- (b) the party's authority to deal with the land under the instrument in accordance with the verification of authority rules as in force at the time of verification.
- (3) In this section:
party, to an instrument—see section 48BA (5).

48BD Signature and witnessing requirements—legal practitioners and mortgagee corporations

- (1) This section applies if—
 - (a) an instrument is lodged by a legal practitioner or mortgagee corporation under section 48BA or section 48BB; and
 - (b) the instrument is not lodged electronically under the E-Conveyancing Law; and
 - (c) the legal practitioner or mortgagee corporation provides certification in relation to the instrument under section 48BA or section 48BB.

Note The E-Conveyancing Law, pt 2, div 2 contains similar provisions for instruments lodged electronically.

- (2) Any requirement under this Act for the instrument to be executed, signed, witnessed, attested or sealed is taken to have been satisfied.

48BE Verification of identity rules

- (1) The registrar-general may make rules (the *verification of identity rules*) about—
 - (a) how a person must be identified for section 48BA (2) (b), section 48BB (2) (a) and section 48BC (2) (a); and
 - (b) what documents must be kept for the purpose of verifying the person's identity under section 48BA (2) (d) and section 48BB (2) (c); and

- (c) how long the documents must be kept; and
 - (d) any other relevant matter.
- (2) A rule is a disallowable instrument.

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

48BF Verification of authority rules

- (1) The registrar-general may make rules (the *verification of authority rules*) about—
- (a) how a person's authority to deal with land under an instrument is verified for section 48BA (2) (c), section 48BB (2) (b) and section 48BC (2) (b); and
 - (b) what documents must be kept for the purpose of verifying the person's authority under section 48BA (2) (d) and section 48BB (2) (c); and
 - (c) how long the documents must be kept; and
 - (d) any other relevant matter.
- (2) A rule is a disallowable instrument.

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

48BG Compliance audits—lodgments by legal practitioners and mortgagee corporations

- (1) This section applies if—
- (a) an instrument is lodged by a legal practitioner or mortgagee corporation; and
 - (b) the instrument is not lodged electronically under the E-Conveyancing Law; and

- (c) the legal practitioner or mortgagee corporation provides certification in relation to the instrument under section 48BA or section 48BB.

Note The registrar-general has a similar power to this provision for an instrument lodged electronically under the E-Conveyancing Law (see the Law, s 33 and s 34).

- (2) The registrar-general may, at any time, give the legal practitioner or mortgagee corporation a written request to provide stated information about—
 - (a) the accuracy of the matters certified by the legal practitioner or mortgagee corporation under section 48BA (2) or section 48BB (2) in relation to the instrument; or
 - (b) whether section 48BA or section 48BB have otherwise been complied with by the legal practitioner or mortgagee corporation in relation to the certification for the instrument.
- (3) The request must state a reasonable period for the information to be provided.
- (4) The legal practitioner or mortgagee corporation must provide the information in accordance with the request.

48BH Non-compliance—registrar-general may require additional documents

- (1) This section applies if—
 - (a) a legal practitioner or mortgagee corporation has not complied with a request under section 48BG; or

- (b) the registrar-general is reasonably satisfied in relation to an instrument lodged by a legal practitioner or mortgagee corporation that—
- (i) the matters certified by the legal practitioner or mortgagee corporation under section 48BA (2) or section 48BB (2) in relation to the instrument are not accurate; or
 - (ii) the legal practitioner or mortgagee corporation has not otherwise complied with section 48BA or section 48BB in relation to the certification for the instrument; or
- (c) a legal practitioner's or mortgagee corporation's authorisation to use an electronic lodging network under the E-Conveyancing Law or a corresponding law is restricted, suspended or terminated for non-compliance with that law.
- (2) The registrar-general may, after giving the legal practitioner or mortgagee corporation at least 14 days written notice (the *notice period*), require the legal practitioner or mortgagee corporation to provide stated compliance assurance documents for stated instruments lodged by the legal practitioner or mortgagee corporation from the day the notice period ends until—
- (a) the end date stated in the notice; or
 - (b) a stated event happens.

Example—event

If a legal practitioner or mortgagee corporation is suspended from using an electronic lodging network for non-compliance—the suspension ends.

Note The instrument is not in registrable form if a document required under s (2) is not provided (see s 4 (cb)).

- (3) Subsection (2) does not apply to an instrument lodged electronically under the E-Conveyancing Law.

- (4) In this section:

compliance assurance document, for an instrument lodged for registration, means a document relevant to certification under section 48BA or section 48BB for the instrument.

Examples

- 1 a client authorisation
- 2 a copy of a document used to verify a client's identity or authority
- 3 for a transfer of land—a copy of the contract of sale for the land
- 4 for a mortgage—a copy of the loan agreement

corresponding law—see the E-Conveyancing Law, section 3.

48BI Power to refer to appropriate authority

- (1) This section applies if the registrar-general—
- (a) receives a complaint from a person in relation to a legal practitioner or mortgagee corporation indicating that—
 - (i) the matters certified by the legal practitioner or mortgagee corporation under section 48BA (2) or section 48BB (2) in relation to an instrument are not accurate; or
 - (ii) the legal practitioner or mortgagee corporation has not otherwise complied with section 48BA or section 48BB in relation to the certification for an instrument; or
 - (b) reasonably suspects a circumstance mentioned in paragraph (a) applies to a legal practitioner or mortgagee corporation.
- (2) The registrar-general may, instead of or in addition to, taking action under section 48BH refer the matter to an appropriate authority.
- (3) If the registrar-general refers a matter under subsection (2), the registrar-general may give the appropriate authority any information held by the registrar-general that is reasonably relevant to the matter.

(4) In this section:

appropriate authority—see the E-Conveyancing Law, section 35 (1).

Note ***Appropriate authority*** includes a law enforcement agency, a regulatory body or professional disciplinary body.

31 Sections 49, 50 and 50A

omit

**32 Instruments not to be registered
Section 51 (2)**

omit

the repeal day

substitute

1 March 1999

33 Section 51 (3)

omit

34 Section 52

substitute

52 Issue of new certificate of title after change in register

- (1) If an interest in land is registered, the registrar-general must give the party that lodged the relevant instrument for registration a certificate of title showing the interest.
- (2) The registrar-general must keep—
 - (a) each registered instrument; and
 - (b) any document lodged with the instrument.

- (3) In this section:

instrument includes a caveat, grant or Crown lease.

**35 Evidence as to title
Section 53 (4)**

omit

Where any grant or certificate of title

substitute

If the register

36 Section 53 (5)

omit

Where any grant of certificate of title

substitute

If the register

**37 Joint tenants and tenants in common
Section 54 (3) to (5)**

substitute

- (3) The share of a person registered as a tenant in common must be included on the register.

**38 Survivor of joint tenants
Section 55 (d)**

omit

any certificate of title has been issued

substitute

an interest in land has been registered

39 Section 55 (d)

omit

to whom the certificate of title has been issued

substitute

whose interest in land has been registered

**40 Remainderperson or reversioner may be registered as such
Section 56**

omit

a certificate of title has been issued

substitute

an interest has been registered

**41 Instruments not effectual until entry in register
Section 57**

omit

**42 Estate of registered proprietor paramount
Section 58 (1)**

omit

folium of the register constituted by the grant or certificate of title of the land

substitute

folio of the register for the land

43 Section 58 (1) (a)

substitute

- (a) the interest of a proprietor claiming the same land under a prior entry in the register; and

44 Section 58 (1) (b)

omit

relative certificate of title

substitute

register

45 Section 58 (1) (c)

omit

grant, certificate of title, lease or other document or instrument evidencing the title of

substitute

register as land or an interest held by

46 Section 58 (2)

omit

in any certificate of title or registered instrument shall be deemed

substitute

in the register is taken

47 Sections 61 to 63

omit

**48 Registrar-general may register as proprietor person entitled to land by operation of statute or by defeasance of estate
Section 68 (1)**

omit

and issue every such certificate of title

**49 Dealings with Crown leases
Section 71 (2)**

omit

folium

substitute

folio

50 Sections 72A (2) and (3) and 72AB (2)

omit

folium of the register constituted by the relevant certificate of title

substitute

folio of the register for the land under the Crown lease

**51 Memorandum of transfer
Section 73 (2)**

substitute

- (2) The registrar-general must not register a memorandum of transfer unless—
- (a) if the transfer is lodged by—
 - (i) a legal practitioner on behalf of a party—the legal practitioner provides the certification under section 48BA; or
 - (ii) a mortgagee corporation—the mortgagee corporation provides the certification under section 48BB; or
 - (b) in any other case—the transfer has been executed by the registered proprietor of the land and accepted by the transferee or the transferee’s legal practitioner on the transferee’s behalf.

Note The transferee’s identity and authority to transfer the land must also be verified (see s 48BC).

52 Section 73 (3)

omit

subsection (2)

substitute

subsection (2) (b)

53 Sections 75 and 76

omit

**54 Form of lease
Section 82 (2)**

substitute

- (2) Each registered lease must be identified by the volume and folio of the register and the folio identifier for the land.

**55 Surrender of lease
Section 86 (2), new note**

insert

Note The execution of an instrument lodged for registration by a legal practitioner or mortgagee corporation is not required to be witnessed because certification for the instrument is given (see s 48BD and E-Conveyancing Law, s 11).

56 Section 86 (4) (b)

substitute

- (b) accompanied by evidence of the resolution of the owners corporation mentioned in the *Unit Titles Act 2001*, section 167A (2) (c).

**57 Land—how mortgaged or encumbered
Section 92 (3)**

omit

grant or certificate of title of the land in which the interest is held, or shall give such other description as is necessary to identify the land

substitute

folio identifier for the land

**58 Mortgage or encumbrance—postponement of priority
Section 92A (3), new note**

insert

Note The execution of an instrument lodged for registration by a legal practitioner or mortgagee corporation is not required to be witnessed because certification for the instrument is given (see s 48BD and E-Conveyancing Law, s 11).

**59 Discharge of mortgages and encumbrances
Section 101 (2) (a)**

omit

subject to subsection (3),

60 Section 101 (3)

omit

**61 Variation of mortgages
Section 101A (2), new note**

insert

Note The execution of an instrument lodged for registration by a legal practitioner or mortgagee corporation is not required to be witnessed because certification for the instrument is given (see s 48BD and E-Conveyancing Law, s 11).

**62 No notice of trusts to be entered in register
Section 124 (4)**

omit

folium

substitute

folio

**63 Transmission by bankruptcy or insolvency
Section 132 (2)**

omit

folium constituted by the grant or certificate of title of

substitute

folio of the register for

**64 Appointment of new or additional trustees
Section 138A (1)**

omit

constituted by the grant or certificate of title effected

substitute

for the land

**65 Territory only liable in certain cases
Section 147 (b)**

omit

certificate of title

substitute

entry in the folio of the register

**66 Registered proprietor protected against ejectment except in certain cases
Section 152 (1) (f)**

omit

any grant or certificate of title of

substitute

the register as an interest in

67 Section 152 (1) (g)

omit

grants or 2 or more certificates of a title or a grant and a certificate of title

substitute

interests

68 Section 152 (2)

omit

the registered grant, certificate of title or lease

substitute

a current certified extract from the register showing all interests affecting the land

**69 In case of ejectment of defendant who has made improvements their value may be assessed
Section 153 (1)**

omit

or person holding a grant or certificate of title

70 Section 153 (5)

omit

**71 Compensation for party deprived of land
Section 154 (1) (d)**

omit

, certificate of title

72 Section 154 (4)

omit

certificate of title was issued

substitute

transfer was made

**73 When actions may lie against registrar-general as nominal defendant
Section 155**

omit

, certificate of title

74 Sections 162 and 164A

omit

**75 Offence for certain fraudulent acts
Section 165 (1) (a)**

omit

certificate of title or other

76 Section 165 (1) (a)

omit

certificate of title,

77 Section 165 (2)

omit

certificate of title

substitute

instrument

**78 Conditions of sale of land under Act
Section 171 (1) (c)**

omit

**79 Attesting of instruments
Section 173, new note**

insert

Note The execution of an instrument lodged for registration by a legal practitioner or mortgagee corporation is not required to be witnessed because certification for the instrument is given (see s 48BD and E-Conveyancing Law, s 11).

80 Dictionary, note 2

insert

- corporation

81 Dictionary, new definitions

insert

E-Conveyancing Law means the Electronic Conveyancing National Law (ACT).

Note The *Electronic Conveyancing National Law (ACT) Act 2020*, s 6 applies the Electronic Conveyancing National Law set out in the appendix to the [Electronic Conveyancing \(Adoption of National Law\) Act 2012](#) (NSW), as if it were an ACT law called the *Electronic Conveyancing National Law (ACT)*.

mortgagee corporation means a mortgagee that is a corporation.

verification of authority rules—see section 48BF (1).

verification of identity rules—see section 48BE (1).

Part 3 Land Titles (Unit Titles) Act 1970

82 Registration of units plan Section 7 (1) (c)

omit

83 Section 7 (1), note

substitute

Note 1 The units plan may only be registered if the certification or verification requirements under the [Land Titles Act 1925](#), s 48BA, s 48BB or s 48BC are met.

Note 2 A person may apply for a certificate of duty, land tax, rates and other charges under the [Duties Act 1999](#), s 244, [Land Tax Act 2004](#), s 41 and [Rates Act 2004](#), s 76.

84 Duties of registrar-general after units plan registration Section 10 (1) (a)

omit

, or the certificate of title of the parcel and the duplicate certificate

85 Section 10 (1) (b) and (c)

substitute

(b) for each lessee of a unit under the [Unit Titles Act 2001](#), section 33—register the lessee under the [Land Titles Act 1925](#) as the registered proprietor of the unit; and

(c) register the owners corporation under the [Land Titles Act 1925](#) as the registered proprietor of the common property; and

86 Section 10 (1) (d)

omit

certificate of title for the units

substitute

folio of the land titles register for each unit

87 Section 10 (1) (e)

omit

certificate of title

substitute

folio of the land titles register

88 Section 10 (1) (f)

omit

certificate of title for the units

substitute

folio of the land titles register for each unit

**89 Duties of registrar-general on registration of order
Section 18 (1) (b)**

omit

90 Section 18 (1) (d)

omit

the register in relation to the new certificate of title

substitute

the land titles register for each unit

91 Section 18 (2) to (4)

omit

**92 Registration of final building damage orders
Section 20 (3)**

substitute

- (3) On registration of the order, the registrar-general must make any entries on the land titles register necessary to give effect to the order.

**93 Registration of termination of unit lease
Section 23 (1) (a)**

omit

94 Section 24

substitute

24 Cancellation of memorials made under s 23

On lodgment of a notice under the *Unit Titles Act 2001*, section 171 (New unit lease), the registrar-general must—

- (a) register the notice; and
- (b) enter on the units plan and the schedule of unit entitlement further memorials cancelling the memorials entered under section 23.

Note A new certificate of title must be given to the lodging party (see *Land Titles Act 1925*, s 52).

**95 Registrar-general to enter expiry of lease in register
Section 25**

omit

and the certificates of title and duplicate certificates of title

**96 Delivery to registrar-general of certificates of title
Section 32**

omit

97 Dictionary, note 2

insert

- land titles register

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Administration and Probate Act 1929

[1.1] Section 52 (5)

omit

certificate of title must issue,

substitute

land must be registered,

Part 1.2 Associations Incorporation Act 1991

[1.2] Section 28 (2)

omit

endorse the relevant certificate of title in the register kept under the [Land Titles Act 1925](#) to that effect

substitute

enter the new association as the registered proprietor of the land or interest in land on the land titles register

[1.3] Section 87

omit

endorse the relevant certificate of title in the register kept under the [Land Titles Act 1925](#) to that effect

substitute

enter the company as the registered proprietor of the land or interest in land on the land titles register

[1.4] Section 92 (5)

omit

endorse the relevant certificate of title in the register kept under the [Land Titles Act 1925](#) to that effect

substitute

enter the entity in which the property is vested as the registered proprietor of the land or interest in land on the land titles register

[1.5] Section 94 (2)

omit

endorse the relevant certificate of title in the register kept under the [Land Titles Act 1925](#) to that effect

substitute

enter the registrar-general as the registered proprietor of the land or interest in land on the land titles register

[1.6] Dictionary, note 2

insert

- land titles register

Part 1.3 Building Act 2004

[1.7] Section 52, definition of *easement*, paragraph (a)

substitute

- (a) the land titles register; or

[1.8] Dictionary, note 2

insert

- land titles register

Part 1.4 Building (General) Regulation 2008

[1.9] Section 16 (2) (b)

substitute

- (b) show any area covered by the plans that is marked as an easement in the land titles register or on a deposited plan; and

[1.10] Section 36A (2) (b)

substitute

- (b) show any area covered by the plans that is marked as an easement in the land titles register or on a deposited plan; and

[1.11] Dictionary, note 2

insert

- land titles register

[1.12] Dictionary, new definition of *deposited plan*

insert

deposited plan—see the [Districts Act 2002](#), section 7.

Part 1.5 Civil Law (Sale of Residential Property) Act 2003

[1.13] Section 9 (1) (b)

substitute

- (b) a current certified extract from the land titles register showing all interests affecting the property;

[1.14] Section 9 (1) (d) and (e)

omit

on the certificate of title

substitute

in the land titles register

[1.15] Section 9 (1) (g) (iii)

substitute

- (iii) a current certified extract from the land titles register showing all interests affecting the common property;

[1.16] Section 11 (1) (a) (i)

omit

on the certificate of title

substitute

in the land titles register

[1.17] Dictionary, note 2

insert

- land titles register

Part 1.6 Community Title Act 2001

[1.18] Section 17 (1) (b)

omit

folium for the certificate of title

substitute

folio of the land titles register

[1.19] Section 25 (2) (c)

substitute

Note The amendment may only be registered if the certification or verification requirements under the *Land Titles Act 1925*, s 48BA, s 48BB or s 48BC are met.

[1.20] Section 26 (1) (b)

omit

folium for the certificate of title

substitute

folio of the land titles register

[1.21] Section 91 (1) (a)

omit

folium for the certificate of title

substitute

folio of the land titles register

[1.22] Section 91 (1) (b)

omit

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

substitute

land titles register

[1.23] Dictionary, note 2

insert

- land titles register

[1.24] Dictionary, definition of *lot*, paragraph (a)

substitute

- (a) means a parcel of land registered under the *Land Titles Act 1925*;
but

Part 1.7 Districts Act 2002

[1.25] Section 7 (5)

omit

register kept by the registrar-general under the *Land Titles Act 1925*, section 43

substitute

land titles register

[1.26] Section 11 (2)

omit

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

substitute

land titles register

Part 1.8 Legislation Act 2001

[1.27] Dictionary, part 1

insert

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

Part 1.9 **Planning and Development Act 2007**

[1.28] Section 251 (4)

omit

register under the *Land Titles Act 1925*

substitute

land titles register

[1.29] Dictionary, note 2

insert

- land titles register

Part 1.10 **Planning and Development Regulation 2008**

[1.30] Schedule 1, section 1.11 (4), definition of *easement*

substitute

easement means an easement registered on the land titles register.

[1.31] Schedule 1A, section 1A.10 (6), definition of *easement*

substitute

easement means an easement registered on the land titles register.

[1.32] Dictionary, note 2

insert

- land titles register

Part 1.11 Retirement Villages Act 2012

[1.33] Section 44 heading

substitute

44 Application to remove retirement village notice from land titles register

[1.34] Section 44 (1)

omit

register under the *Land Titles Act 1925*

substitute

land titles register

[1.35] Section 57 (3) (b)

substitute

- (b) if the residence contract related to residential premises that are subject to a community title scheme, company title scheme or units plan and was rescinded under section 54 (Rescission of village contract on grounds relating to disclosure statement)—the resident must execute all instruments necessary to enable re-registration of—
- (i) for premises that are subject to a company title scheme—the shares; or
 - (ii) in any other case—title in the name of the operator under the rescinded contract.

Part 1.12 Unit Titles Act 2001

[1.36] Section 167A (2) to (4)

substitute

- (2) The owners corporation must—
- (a) hold a general meeting; and
 - (b) include in the notice of the general meeting a statement that it intends to apply for the further leases; and
 - (c) at the meeting, seek authority by ordinary resolution, to—
 - (i) on behalf of each owner of a unit in the units plan, surrender the lease for each unit under the *Land Titles Act 1925*, section 86 (4); and

Note 1 The memorandum of surrender lodged with the registrar-general must be accompanied by evidence of the resolution (see *Land Titles Act 1925*, s 86 (4) (b)).

Note 2 The *Unit Titles (Management) Act 2011*, sch 3, s 3.19 sets out requirements for evidence of resolutions of owners corporations.

- (ii) do anything else necessary on behalf of an owner of a unit to ensure the grant of the further leases.

Examples—par (c) (ii)

- 1 deal with a mortgagee in relation to the unit to obtain the mortgagee's consent to the application for the further lease
- 2 sign on behalf of a unit owner any document required by the registrar-general to ensure the grant of a further lease

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 Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020, which was passed by the Legislative Assembly on 7 May 2020.

Clerk of the Legislative Assembly

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