

1995

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

**Land Titles (Consequential Amendments)  
Bill 1995**

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A BILL  
FOR

**An Act to amend certain laws of the Territory  
consequent on the enactment of the *Land Titles  
(Amendment) Act 1995***

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

**Short title**

5     **1.** This Act may be cited as the *Land Titles (Consequential Amendments) Act 1995*.

**Commencement**

2. This Act commences on the day on which section 5 of the *Land Titles (Amendment) Act 1995* commences.

**Amendment of Acts and Regulations**

10     **3. (1)** The Acts specified in Part 1 of the Schedule are amended as set out in that Part.

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85053 1995/132 (T53/95)

(2) The Regulations specified in Part 2 of the Schedule are amended as set out in that Part.

5 (3) The amendment of the Regulations set out in Part 2 of the Schedule, by subsection (2) does not prevent those Regulations, as so amended, being amended or repealed by regulation.

### Repeal

4. The Registrar-General (Office Hours) Regulations are repealed.

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## SCHEDULE

Section 3

### PART 1—AMENDMENT OF ACTS

10 *Administration and Probate Act 1929*

**Paragraph 32B (1) (d)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsections 52 (3) and (5)—**

Omit “*Real Property Act 1925*”, substitute “*Land Titles Act 1925*”.

15 **Subsection 56 (1)—**

Omit “*Real Property Act 1925*”, substitute “*Land Titles Act 1925*”.

*Associations Incorporation Act 1991*

**Subsection 28 (2)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

20 **Section 87—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 92 (5)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 94 (2)—**

25 Omit “*Real Property*”, substitute “*Land Titles*”.

## SCHEDULE—continued

*Australia and New Zealand Banking Group Ltd (NMRB) Act 1991***Section 26—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**5 Section 27—**

Omit “*Real Property*”, substitute “*Land Titles*”.

*Australian-American Educational Foundation Act 1966***Section 6—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**10 Conveyancing Act, 1919 (NSW) as applied and modified by the Conveyancing Act 1951****Subsections 6 (1) and (3)—**

Omit “*Real Property Act 1925-1951*”, substitute “*Land Titles Act 1925*”.

**15 Section 7 (definition of “Deed”)—**

Omit “*Real Property Act 1925-1951*”, substitute “*Land Titles Act 1925*”.

**Section 7 (definition of “Land under the provisions of the *Real Property Act 1925-1951*”)—**

**20** Omit the definition.

**Subsection 41 (1)—**

Omit “*Real Property Act 1925-1951*”, substitute “*Land Titles Act 1925*”.

**25 Conveyancing Act, 1919-1954 (NSW) as applied and modified by the Law of Property (Miscellaneous Provisions) Act 1958****Subsection 7 (1) (definition of “Mortgage”, “mortgagee” and “mortgagor”)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**30 Conveyancing Acts, 1919-1954 (NSW) as applied and modified by the Trustee Act 1957****Subsection 7 (1) (definition of “Deed”)—**

Omit “*Real Property Act 1925-1957*”, substitute “*Land Titles Act 1925*”.

## SCHEDULE—continued

## Subsection 151D (3)—

Omit “*Real Property Act 1925-1957*”, substitute “*Land Titles Act 1925*”.

5

*Conveyancing and Law of Property Act 1898 (NSW) in its application in the Territory*

## Paragraph 29 (1) (c)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Subsection 29 (2)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## 10 Subsection 105 (1)—

Omit “*Real Property*”, substitute “*Land Titles*”.

*Districts Act 1966*

## Section 8—

Omit “*Real Property*”, substitute “*Land Titles*”.

## 15 Subsection 9 (1)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Section 10—

Omit all the words after “Registrar-General” (second occurring).

20

*Forfeiture and Validation of Leases Act 1905 (NSW) in its application in the Territory*

## Subsection 7 (3)—

Omit “*Real Property*”, substitute “*Land Titles*”.

*Guardianship and Management of Property Act 1991*

## Section 25—

25 Omit “*Real Property*”, substitute “*Land Titles*”.

*Imperial Acts (Substituted Provisions) Act 1986*

## Schedule 2 (subclause 4 (3) of Part 11)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Schedule 2 (clause 3 of Part 14)—

30 Omit “*Real Property*”, substitute “*Land Titles*”.

**SCHEDULE—continued**

***Land (Planning and Environment) Act 1991***

**Subsection 159 (1) (definitions of “registered lease” and “registered proprietor”)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

5 **Subsections 229 (3) and (7)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

***Lands Acquisition Act 1994***

**Subsection 19 (6)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

10 **Paragraph 21 (7) (a)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

***Legal Aid Act 1977***

**Subsection 31A (5)—**

Omit “(1B) of the *Real Property*”, substitute “(2) of the *Land Titles*”.

15 **Subsections 31A (6) and (10)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

***Limitation Act 1985***

**Subsection 8 (1) (definitions of “land” and “mortgage”)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

20 **Section 22—**

Omit “*Real Property*”, substitute “*Land Titles*”.

***Mining Act 1930***

**Subsection 38 (4)—**

25 Omit “*Real Property Act 1925-1927*”, substitute “*Land Titles Act 1925*”.

**Subsection 50 (8)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**SCHEDULE—continued***New South Wales Acts Application Act 1984***Paragraph 7 (h)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

*Powers of Attorney Act 1956*5 **Section 3—**

Omit “*Real Property Act 1925-1956*”, substitute “*Land Titles Act 1925*”.

*Presbyterian Church Trust Property Act 1971***Subsection 27 (1)—**

10 Omit “*Real Property*”, substitute “*Land Titles*”.

*Rates and Land Rent (Relief) Act 1970***Section 5—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Section 18—**

15 Omit “*Real Property*”, substitute “*Land Titles*”.

**Section 21—**

Omit “*Real Property*”, substitute “*Land Titles*”.

*Rates and Land Tax Act 1926***Paragraph 23 (2) (c)—**

20 Omit “*Real Property*”, substitute “*Land Titles*”.

*Real Property (Conversion of Titles) Act 1967***Long title—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Section 1—**

25 Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 4 (1) (definition of “the Principal Act” or “the Real Property Act”)—**

(a) Omit “*Real Property*”, substitute “*Land Titles*”.

(b) Omit “*Real Property*”, substitute “*Land Titles*”.

**SCHEDULE—continued**

**Part II (heading)—**

Omit “**REAL PROPERTY**”, substitute “**LAND TITLES**”.

**Paragraph 22 (1) (b)—**

5 Omit “(5) of section 154 and subsection (3) of section 157 of the Principal Act were”, substitute “154 (5) of the Principal Act was”.

**The Schedule—**

Omit “*Real Property*” (wherever occurring), substitute “*Land Titles*”.

***Real Property (Unit Titles) Act 1970***

**Section 1—**

10 Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 5 (1) (definition of “the Principal Act”)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**First Schedule (Forms 1-10)—**

Omit “*Real Property*” (wherever occurring), substitute “*Land Titles*”.

15 ***Registration of Deeds Act 1957***

**Section 2 (definition of “deed”, paragraph (b))—**

Omit “*Real Property*”, substitute “*Land Titles*”.

***Roman Catholic Church Property Trust Act 1937***

**Paragraph 10 (2) (b)—**

20 Omit “*Real Property*” (first occurring), substitute “*Land Titles*”.

**Paragraph 11 (a)—**

Omit “*Real Property*” (first occurring), substitute “*Land Titles*”.

***Stamp Duties and Taxes Act 1987***

**Schedule 1 (subparagraph (b) (i))—**

25 Omit “*Real Property*”, substitute “*Land Titles*”.

***State Bank of South Australia (Transfer of Undertaking) Act 1994***

**Subsections 8 (1) and (2)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

## SCHEDULE—continued

## Subsections 10 (1) and (3)—

Omit “*Real Property*”, substitute “*Land Titles*”.

*Surveyors Act 1967*

## Section 4 (definition of “specially licensed surveyor”)—

5 Omit “*Real Property*”, substitute “*Land Titles*”.

*Trustee Act, 1925-1942 (NSW) in its application in the Territory*

## Subsection 9 (3)—

Omit “*Real Property*”, substitute “*Land Titles*”.

10 Subparagraph 9 (4) (a) (i)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Subsection 11 (3)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Subsections 12 (3) and (4)—

15 Omit “*Real Property*”, substitute “*Land Titles*”.

## Subsection 33 (6)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Paragraph 36 (5A) (d)—

Omit “*Real Property*”, substitute “*Land Titles*”.

20 Subsection 68 (2)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Paragraph 75 (1) (a)—

Omit “*Real Property*”, substitute “*Land Titles*”.

## Paragraph 78 (3) (a)—

25 Omit “*Real Property*”, substitute “*Land Titles*”.

*Unit Titles Act 1970*

## Section 5 (definition of “mortgage”)—

Omit “*Real Property Act 1925-1970*”, substitute “*Land Titles Act 1925*”.



**SCHEDULE—continued**

**Section 5 (definition of “registered”, paragraphs (a) and (b))—**  
Omit “*Real Property*”, substitute “*Land Titles*”.

**Section 5 (definition of “the Registrar”)—**

5 Omit “*Real Property Act 1925-1970*”, substitute “*Land Titles Act 1925*”.

**Subsections 22 (1), (3) and (4)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Paragraph 23 (1) (a)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

10 **Paragraph 25 (3) (a)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 98 (5)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 108 (5)—**

15 Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 109 (1)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**Subsection 110 (2)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

20 **Section 111—**

Omit “*Real Property*”, substitute “*Land Titles*”.

**PART 2—AMENDMENT OF REGULATIONS**

**Credit Regulations**

**Paragraph 13A (1) (d)—**

25 Omit “*Real Property*”, substitute “*Land Titles*”.

**Paragraph 25 (f)—**

Omit “*Real Property*”, substitute “*Land Titles*”.

## SCHEDULE—continued

## Surveyors (Examination and Registration) Regulations

## Schedule 1 (item 8)—

Omit “Real Property Act 1925-1972”, substitute “Land Titles Act 1925”.

## Section headings

On the day on which the Acts specified below are amended by this Act, headings to sections in those Acts are altered as set out in the following table:

Section	Alteration
	<i>Conveyancing Act 1919 (NSW)</i>
6	Omit from the heading “Real Property”, substitute “Land Titles”.
	<i>Limitation Act 1985</i>
22	Omit from the heading “Real Property”, substitute “Land Titles”.
	<i>Real Property (Conversion of Titles) Act 1970</i>
5	Omit from the heading “Real Property”, substitute “Land Titles”.
	<i>Real Property (Unit Titles) Act 1970</i>
6	Omit from the heading “Real Property”, substitute “Land Titles”.

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