

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Electronic Conveyancing National Law (ACT) Bill 2020

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(Attorney-General)

Electronic Conveyancing National Law (ACT) Bill 2020

A Bill for

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:

J2019-970

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Electronic Conveyancing National Law (ACT) Act*
4 *2020*.

5 **2 Commencement**

6 This Act commences on 1 June 2020.

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

9 **3 Dictionary**

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

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

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

19 **4 Terms used in Electronic Conveyancing National Law**
20 **(ACT)**

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

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

1 **5** **Notes**

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

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

1 **Part 2**2 **Application of Electronic
Conveyancing National Law**3 **6 Application of Electronic Conveyancing National Law**4 (1) Subject to subsection (2), the Electronic Conveyancing National Law,
5 as in force from time to time, set out in the appendix to the *Electronic*
6 *Conveyancing (Adoption of National Law) Act 2012* (NSW)—

7 (a) applies as a territory law, as modified by schedule 1; and

8 (b) as so applying may be referred to as the *Electronic*
9 *Conveyancing National Law (ACT)*; and

10 (c) so applies as if it were part of this Act.

11 (2) A law that amends the Electronic Conveyancing National Law set out
12 in the appendix to the *Electronic Conveyancing (Adoption of National*
13 *Law) Act 2012* (NSW), and is passed by the New South Wales
14 Parliament after this Act's notification day, commences on—15 (a) the 90th day after the day the law commences in NSW (the
16 *default commencement day*); or17 (b) if a different day is declared by the Minister before the default
18 commencement day—that day.

19 (3) A declaration under subsection (2) (b) is a notifiable instrument.

20 *Note* A notifiable instrument must be notified under the *Legislation Act*.21 **7 Exclusion of Legislation Act**22 (1) The *Legislation Act* does not apply to the *Electronic Conveyancing*
23 *National Law (ACT)* other than section 25, as modified by schedule 1.24 (2) Subsection (1) does not limit the application of the *Legislation Act* to
25 the local application provisions of this Act.

1 **8** **Meaning of certain terms in Electronic Conveyancing**
2 **National Law (ACT)**

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

4 *land titles legislation* means the following:

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

10 *Registrar* means the registrar-general.

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

14 *responsible tribunal* means the Supreme Court.

15 *this jurisdiction* means the Australian Capital Territory.

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

18 **9** **Regulation-making power**

19 The Executive may make regulations for this Act.

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

1 **Schedule 1 Modifications—Electronic**
2 **Conveyancing National Law**

3 (see s 6 (a))

4 **[1.1] Section 25**

5 *substitute*

6 **25 Publication of operating requirements and participation**
7 **rules**

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

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

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

- 1 (4) If an operating requirement or a participation rule is notified less than
2 20 business days before its proposed commencement and
3 subsection (2) does not apply—
4 (a) the requirement or rule is valid; but
5 (b) it commences on the 20th business day after its notification day.
- 6 **[1.2] New section 35 (4)**
- 7 *insert*
- 8 (4) If the Registrar refers a matter to an appropriate authority, the
9 Registrar may give the appropriate authority any information held by
10 the Registrar that is reasonably relevant to the matter.

1 Dictionary

2 (see s 3)

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

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

- 6 • disallowable instrument (see s 9)
- 7 • notification
- 8 • registrar-general
- 9 • Supreme Court
- 10 • territory law.

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

13 ***local application provisions of this Act*** means the provisions of this
14 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 2020.

3 Republications of amended laws

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

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