

2014

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

RED TAPE REDUCTION LEGISLATION AMENDMENT BILL 2014

SUPPLEMENTARY EXPLANATORY STATEMENT

**Presented by
Katy Gallagher MLA
Chief Minister**

RED TAPE REDUCTION LEGISLATION AMENDMENT BILL 2014

Overview

The Red Tape Reduction Legislation Amendment Bill 2014 seeks to amend a range of Acts and Regulations through an omnibus amendment Bill, including the *Registration of Deeds Act 1957*.

Registration of Deeds

Amendment 1

The purpose of the proposed amendment is of a minor technical nature.

Amendment 2

The purpose of the proposed amendment is to reduce 'red tape' to the businesses and community through better regulatory processes by removing the need for statutory declarations when lodging deeds for registration.

This amendment removes the requirement under the *Registration of Deeds Act 1957* for statutory declarations verifying execution of a deed, when lodging a deed for registration.

Verification will only be required where specified by an Act relating to the purpose of a deed. For example, the *Powers of Attorney Act 2006* requires that a power of attorney contain a certificate signed by witnesses to the signatures of the parties to the power of attorney. The requirement for statutory declarations witnessing execution of deeds will be removed for Acts where no witness is required to execute the document at all. For example, powers of attorney executed by companies executed in accordance the *Corporations Act 2001* and the appointment of trustees pursuant to the *Trustee Act 1925* do not require witnessing.

The previously proposed amendments under Part 12 of the Bill would have removed the requirement for statutory declarations attached to the deed when lodging a deed for registration of a power of attorney, if the power of attorney contains certification as required under the *Powers of Attorney Act 2006*. This would still have required the production of statutory declarations verifying executions of deeds that did not otherwise require witnessing.

CLAUSE NOTES

Registration of Deeds Act 1957

Amendment 1 section 4 (1) (a)

Amendment 1 clarifies the requirements for when a person may register a deed.

Amendment 1 section 4 (2)

Amendment 2 omits the clause 21 of the Bill previously circulated.

This amendment will remove the requirement under section 4(2) of the *Registration of Deeds Act 1957* for statutory declarations to verify the execution of deeds on registering.

Minor drafting amendments are included to update the references to the registrar-general (section 4(2)(b)) and entry on the register (section 4(2)(c)).