

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020

Contents

	Page
Part 1	
Preliminary	
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
Part 2	
Land Titles Act 1925	
4 Meaning of <i>registrable form</i> Section 4 (c)	3
5 Powers of registrar-general Section 14 (1) (a)	3

Contents

	Page
6 New section 14 (1) (ba)	3
7 Section 14 (1) (g)	4
8 Section 14 (1) (h) (i)	4
9 New section 14 (8)	4
10 Penalty for obstructing registrar-general Section 15 (1)	4
11 Land brought under Act Section 18 (2) (d) (v)	4
12 Sections 21 (2) and 25	5
13 Applicant may withdraw application Section 27	5
14 Land occupied may be brought under Act by different description from that in title on special application Section 28	5
15 Section 29 heading	6
16 Section 29	6
17 Section 29	6
18 Part 6 heading	6
19 Documents of title how to be dealt with Section 35 (1)	7
20 Section 35 (1)	7
21 Section 35 (2)	7
22 How certificate of title to issue in case of previous death of applicant Section 36	7
23 Bringing under this Act of land to which State Act applies Section 38 (6)	7
24 Sections 46 and 47	8
25 Registration of transfers of mortgages, subleases etc Section 47A (1)	9
26 Instruments—registration and priority Section 48 (3), new note	9
27 Section 48B heading	9
28 Section 48B (2) (a)	9
29 New section 48B (3)	10
30 New sections 48BA to 48BI	10

Contents

	Page
31 Sections 49, 50 and 50A	19
32 Instruments not to be registered	
Section 51 (2)	19
33 Section 51 (3)	19
34 Section 52	19
35 Evidence as to title	
Section 53 (4)	20
36 Section 53 (5)	20
37 Joint tenants and tenants in common	
Section 54 (3) to (5)	20
38 Survivor of joint tenants	
Section 55 (d)	20
39 Section 55 (d)	21
40 Remainderperson or reversioner may be registered as such	
Section 56	21
41 Instruments not effectual until entry in register	
Section 57	21
42 Estate of registered proprietor paramount	
Section 58 (1)	21
43 Section 58 (1) (a)	22
44 Section 58 (1) (b)	22
45 Section 58 (1) (c)	22
46 Section 58 (2)	22
47 Sections 61 to 63	23
48 Registrar-general may register as proprietor person entitled to land by operation of statute or by defeasance of estate	
Section 68 (1)	23
49 Dealings with Crown leases	
Section 71 (2)	23
50 Sections 72A (2) and (3) and 72AB (2)	23
51 Memorandum of transfer	
Section 73 (2)	24
52 Section 73 (3)	24
53 Sections 75 and 76	25

Contents

	Page
54 Form of lease	
Section 82 (2)	25
55 Surrender of lease	
Section 86 (2), new note	25
56 Section 86 (4) (b)	25
57 Land—how mortgaged or encumbered	
Section 92 (3)	25
58 Mortgage or encumbrance—postponement of priority	
Section 92A (3), new note	26
59 Discharge of mortgages and encumbrances	
Section 101 (2) (a)	26
60 Section 101 (3)	26
61 Variation of mortgages	
Section 101A (2), new note	26
62 No notice of trusts to be entered in register	
Section 124 (4)	26
63 Transmission by bankruptcy or insolvency	
Section 132 (2)	27
64 Appointment of new or additional trustees	
Section 138A (1)	27
65 Territory only liable in certain cases	
Section 147 (b)	27
66 Registered proprietor protected against ejectment except in certain cases	
Section 152 (1) (f)	28
67 Section 152 (1) (g)	28
68 Section 152 (2)	28
69 In case of ejectment of defendant who has made improvements their value may be assessed	
Section 153 (1)	29
70 Section 153 (5)	29
71 Compensation for party deprived of land	
Section 154 (1) (d)	29
72 Section 154 (4)	29
73 When actions may lie against registrar-general as nominal defendant	
Section 155	29

	Page
74	Sections 162 and 164A 30
75	Offence for certain fraudulent acts 30
	Section 165 (1) (a) 30
76	Section 165 (1) (a) 30
77	Section 165 (2) 30
78	Conditions of sale of land under Act 30
	Section 171 (1) (c) 30
79	Attesting of instruments 30
	Section 173, new note 30
80	Dictionary, note 2 31
81	Dictionary, new definitions 31
Part 3	Land Titles (Unit Titles) Act 1970
82	Registration of units plan 32
	Section 7 (1) (c) 32
83	Section 7 (1), note 32
84	Duties of registrar-general after units plan registration 32
	Section 10 (1) (a) 32
85	Section 10 (1) (b) and (c) 32
86	Section 10 (1) (d) 33
87	Section 10 (1) (e) 33
88	Section 10 (1) (f) 33
89	Duties of registrar-general on registration of order 33
	Section 18 (1) (b) 33
90	Section 18 (1) (d) 33
91	Section 18 (2) to (4) 34
92	Registration of final building damage orders 34
	Section 20 (3) 34
93	Registration of termination of unit lease 34
	Section 23 (1) (a) 34
94	Section 24 34
95	Registrar-general to enter expiry of lease in register 35
	Section 25 35
96	Delivery to registrar-general of certificates of title 35
	Section 32 35

	Page
97 Dictionary, note 2	35
Schedule 1 Consequential amendments	36
Part 1.1 Administration and Probate Act 1929	36
Part 1.2 Associations Incorporation Act 1991	36
Part 1.3 Building Act 2004	38
Part 1.4 Building (General) Regulation 2008	38
Part 1.5 Civil Law (Sale of Residential Property) Act 2003	39
Part 1.6 Community Title Act 2001	40
Part 1.7 Districts Act 2002	42
Part 1.8 Legislation Act 2001	42
Part 1.9 Planning and Development Act 2007	43
Part 1.10 Planning and Development Regulation 2008	43
Part 1.11 Retirement Villages Act 2012	44
Part 1.12 Unit Titles Act 2001	45

2020

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Land Titles (Electronic Conveyancing) Legislation Amendment Bill 2020

A Bill for

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:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Land Titles (Electronic Conveyancing) Legislation*
4 *Amendment Act 2020*.

5 **2 Commencement**

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

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

10 **3 Legislation amended**

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

13 *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.

1 **7 Section 14 (1) (g)**

2 *omit*

3 certificate of title or other

4 **8 Section 14 (1) (h) (i)**

5 *omit*

6 certificates of title,

7 **9 New section 14 (8)**

8 *insert*

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

13 **10 Penalty for obstructing registrar-general**
14 **Section 15 (1)**

15 *omit*

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

17 *substitute*

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

19 **11 Land brought under Act**
20 **Section 18 (2) (d) (v)**

21 *substitute*

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

1 **12 Sections 21 (2) and 25**

2 *omit everything from*
3 *issuing*
4 *to*
5 *Act*
6 *substitute*
7 *registering the applicant's interest in the land*

8 **13 Applicant may withdraw application**
9 **Section 27**

10 *omit*
11 *prior to the issuing of the certificate of title*
12 *substitute*
13 *before the registrar-general registers the applicant's interest in the*
14 *land*

15 **14 Land occupied may be brought under Act by different**
16 **description from that in title on special application**
17 **Section 28**

18 *omit*
19 *a certificate of title*
20 *substitute*
21 *registration*

1	15	Section 29 heading
2		<i>substitute</i>
3	29	Applications to bring land under Act may be granted for
4		land occupied under, but not described in, title deeds
5	16	Section 29
6		<i>omit</i>
7		for the issue of an amended certificate of title or for the amendment
8		of a grant or certificate of title
9		<i>substitute</i>
10		for the amendment of a grant or the register
11	17	Section 29
12		<i>omit</i>
13		or grant or certificate of title
14		<i>substitute</i>
15		, grant or register
16	18	Part 6 heading
17		<i>substitute</i>
18	Part 6	Bringing land under the Act—
19		miscellaneous

1	19	Documents of title how to be dealt with
2		Section 35 (1)
3		<i>omit</i>
4		Upon issuing a certificate of title
5		<i>substitute</i>
6		On registering an interest
7	20	Section 35 (1)
8		<i>omit</i>
9		annexing thereto the certificate of title
10	21	Section 35 (2)
11		<i>omit</i>
12		certificate of title
13		<i>substitute</i>
14		register
15	22	How certificate of title to issue in case of previous death
16		of applicant
17		Section 36
18		<i>omit</i>
19	23	Bringing under this Act of land to which State Act applies
20		Section 38 (6)
21		<i>omit</i>
22		folium
23		<i>substitute</i>
24		folio

- 1 **24 Sections 46 and 47**
- 2 *substitute*
- 3 **46 Registering fee simple estate for which leasehold interest**
- 4 **registered**
- 5 Before bringing under this Act an estate in fee simple in relation to
- 6 which a leasehold interest has been registered, the registrar-general
- 7 must—
- 8 (a) close the folio of the register for the leasehold interest; and
- 9 (b) enter on the folio of the register for the estate in fee simple all
- 10 interests on the register affecting the leasehold interest.
- 11 **47 When instruments etc taken to be registered**
- 12 (1) A grant lodged for registration is taken to be registered under this Act
- 13 when it is marked by the registrar-general with a folio and volume of
- 14 the register for the land.
- 15 (2) A memorandum of transfer or other instrument purporting to transfer
- 16 or otherwise deal with or affect an interest in land is taken to be
- 17 registered under this Act when a memorial of the instrument is
- 18 entered on the folio of the register for the land.
- 19 (3) The person named in the registered grant or instrument as the person
- 20 owning or taking legal possession of (however described) the land or
- 21 interest in land is taken to be the registered proprietor of the land or
- 22 interest when the grant or instrument is registered.

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

3 *omit*

4 folium constituted by the existing grant or certificate of title

5 *substitute*

6 folio for the land

7 **26 Instruments—registration and priority**
8 **Section 48 (3), new note**

9 *insert*

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

14 **27 Section 48B heading**

15 *substitute*

16 **48B Lodgment of instruments—registrable form**

17 **28 Section 48B (2) (a)**

18 *substitute*

19 (a) refuse to register it and require—

20 (i) 1 or more of the parties to the instrument to—

21 (A) alter or correct the instrument; or

22 (B) provide a stated document under section 14 (1) (a);
23 or

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

9 **29 New section 48B (3)**

10 *insert*

11 (3) In this section:

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

14 **30 New sections 48BA to 48BI**

15 *insert*

16 **48BA Lodgment of instruments by legal practitioners—**
17 **certification**

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

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

1 *client authorisation* means—

2 (a) for an instrument lodged electronically under the
3 E-Conveyancing Law—see the E-Conveyancing Law,
4 section 10; or

5 (b) in any other case—an authorisation in a form required by the
6 registrar-general.

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

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

11 **48BB Lodgment of instruments by mortgagee corporations—**
12 **certification**

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

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

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

19 (2) The registrar-general must not register the instrument unless the
20 mortgagee certifies in the appropriate form—

21 (a) that the mortgagee has verified the mortgagor's identity in
22 accordance with the verification of identity rules as in force at
23 the time of verification; and

24 (b) that the mortgagee has verified the mortgagor's authority to deal
25 with the land under the instrument in accordance with the
26 verification of authority rules as in force at the time of
27 verification; and

- 1 (c) that any document relevant to certification under this section
2 that is required to be kept by the mortgagee under this Act and,
3 if relevant, the E-Conveyancing Law, has been kept; and
- 4 (d) that the mortgagee has complied with any other requirement in
5 relation to the instrument under this Act and, if relevant, the
6 E-Conveyancing Law; and
- 7 (e) that the mortgagee has complied with any requirement
8 prescribed by regulation.
- 9 (3) Certification under subsection (2) may only be provided by an
10 employee of the mortgagee corporation who has personal knowledge
11 of the matter the employee is certifying.
- 12 (4) The registrar-general may exempt a mortgagee corporation, or an
13 instrument prescribed by regulation, from a certification requirement
14 under subsection (2).
- 15 (5) In this section:
- 16 *appropriate form*, of certification for an instrument lodged for
17 registration—see section 48BA (5).
- 18 *participation rules*—see the E-Conveyancing Law, section 23.
- 19 **48BC Lodgment of instruments by self-represented parties—**
20 **verification of identity and authority**
- 21 (1) This section applies if a party to an instrument purporting to transfer
22 or otherwise deal with or affect an interest in land lodges the
23 instrument, in person, with the registrar-general.
- 24 (2) The registrar-general must not register the instrument unless the
25 registrar-general has verified—
- 26 (a) the party's identity in accordance with the verification of
27 identity rules as in force at the time of verification; and

- 1 (b) the party's authority to deal with the land under the instrument
2 in accordance with the verification of authority rules as in force
3 at the time of verification.

- 4 (3) In this section:
5 *party*, to an instrument—see section 48BA (5).

6 **48BD Signature and witnessing requirements—legal**
7 **practitioners and mortgagee corporations**

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

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

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

20 **48BE Verification of identity rules**

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

1 (c) how long the documents must be kept; and

2 (d) any other relevant matter.

3 (2) A rule is a disallowable instrument.

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

6 **48BF Verification of authority rules**

7 (1) The registrar-general may make rules (the *verification of authority*
8 *rules*) about—

9 (a) how a person's authority to deal with land under an instrument
10 is verified for section 48BA (2) (c), section 48BB (2) (b) and
11 section 48BC (2) (b); and

12 (b) what documents must be kept for the purpose of verifying the
13 person's authority under section 48BA (2) (d) and
14 section 48BB (2) (c); and

15 (c) how long the documents must be kept; and

16 (d) any other relevant matter.

17 (2) A rule is a disallowable instrument.

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

20 **48BG Compliance audits—lodgments by legal practitioners and**
21 **mortgagee corporations**

22 (1) This section applies if—

23 (a) an instrument is lodged by a legal practitioner or mortgagee
24 corporation; and

25 (b) the instrument is not lodged electronically under the
26 E-Conveyancing Law; and

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

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

- 7 (2) The registrar-general may, at any time, give the legal practitioner or
8 mortgagee corporation a written request to provide stated information
9 about—

10 (a) the accuracy of the matters certified by the legal practitioner or
11 mortgagee corporation under section 48BA (2) or
12 section 48BB (2) in relation to the instrument; or

13 (b) whether section 48BA or section 48BB have otherwise been
14 complied with by the legal practitioner or mortgagee corporation
15 in relation to the certification for the instrument.

- 16 (3) The request must state a reasonable period for the information to be
17 provided.

- 18 (4) The legal practitioner or mortgagee corporation must provide the
19 information in accordance with the request.

20 **48BH Non-compliance—registrar-general may require**
21 **additional documents**

- 22 (1) This section applies if—

23 (a) a legal practitioner or mortgagee corporation has not complied
24 with a request under section 48BG; or

- 1 (b) the registrar-general is reasonably satisfied in relation to an
2 instrument lodged by a legal practitioner or mortgagee
3 corporation that—
- 4 (i) the matters certified by the legal practitioner or mortgagee
5 corporation under section 48BA (2) or section 48BB (2) in
6 relation to the instrument are not accurate; or
- 7 (ii) the legal practitioner or mortgagee corporation has not
8 otherwise complied with section 48BA or section 48BB in
9 relation to the certification for the instrument; or
- 10 (c) a legal practitioner's or mortgagee corporation's authorisation
11 to use an electronic lodging network under the E-Conveyancing
12 Law or a corresponding law is restricted, suspended or
13 terminated for non-compliance with that law.
- 14 (2) The registrar-general may, after giving the legal practitioner or
15 mortgagee corporation at least 14 days written notice (the *notice*
16 *period*), require the legal practitioner or mortgagee corporation to
17 provide stated compliance assurance documents for stated
18 instruments lodged by the legal practitioner or mortgagee corporation
19 from the day the notice period ends until—
- 20 (a) the end date stated in the notice; or
- 21 (b) a stated event happens.
- 22 **Example—event**
- 23 If a legal practitioner or mortgagee corporation is suspended from using an
24 electronic lodging network for non-compliance—the suspension ends.
- 25 *Note* The instrument is not in registrable form if a document required under
26 s (2) is not provided (see s 4 (cb)).
- 27 (3) Subsection (2) does not apply to an instrument lodged electronically
28 under the E-Conveyancing Law.

- 1 (4) In this section:
- 2 ***compliance assurance document***, for an instrument lodged for
- 3 registration, means a document relevant to certification under
- 4 section 48BA or section 48BB for the instrument.
- 5 **Examples**
- 6 1 a client authorisation
- 7 2 a copy of a document used to verify a client's identity or authority
- 8 3 for a transfer of land—a copy of the contract of sale for the land
- 9 4 for a mortgage—a copy of the loan agreement
- 10 ***corresponding law***—see the E-Conveyancing Law, section 3.
- 11 **48BI Power to refer to appropriate authority**
- 12 (1) This section applies if the registrar-general—
- 13 (a) receives a complaint from a person in relation to a legal
- 14 practitioner or mortgagee corporation indicating that—
- 15 (i) the matters certified by the legal practitioner or mortgagee
- 16 corporation under section 48BA (2) or section 48BB (2) in
- 17 relation to an instrument are not accurate; or
- 18 (ii) the legal practitioner or mortgagee corporation has not
- 19 otherwise complied with section 48BA or section 48BB in
- 20 relation to the certification for an instrument; or
- 21 (b) reasonably suspects a circumstance mentioned in paragraph (a)
- 22 applies to a legal practitioner or mortgagee corporation.
- 23 (2) The registrar-general may, instead of or in addition to, taking action
- 24 under section 48BH refer the matter to an appropriate authority.
- 25 (3) If the registrar-general refers a matter under subsection (2), the
- 26 registrar-general may give the appropriate authority any information
- 27 held by the registrar-general that is reasonably relevant to the matter.

1 (4) In this section:

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

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

5 **31 Sections 49, 50 and 50A**

6 *omit*

7 **32 Instruments not to be registered**
8 **Section 51 (2)**

9 *omit*

10 the repeal day

11 *substitute*

12 1 March 1999

13 **33 Section 51 (3)**

14 *omit*

15 **34 Section 52**

16 *substitute*

17 **52 Issue of new certificate of title after change in register**

18 (1) If an interest in land is registered, the registrar-general must give the
19 party that lodged the relevant instrument for registration a certificate
20 of title showing the interest.

21 (2) The registrar-general must keep—

22 (a) each registered instrument; and

23 (b) any document lodged with the instrument.

- 1 (3) In this section:
2 *instrument* includes a caveat, grant or Crown lease.

3 **35 Evidence as to title**
4 **Section 53 (4)**

- 5 *omit*
6 Where any grant or certificate of title
7 *substitute*
8 If the register

9 **36 Section 53 (5)**

- 10 *omit*
11 Where any grant of certificate of title
12 *substitute*
13 If the register

14 **37 Joint tenants and tenants in common**
15 **Section 54 (3) to (5)**

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

19 **38 Survivor of joint tenants**
20 **Section 55 (d)**

- 21 *omit*
22 any certificate of title has been issued
23 *substitute*
24 an interest in land has been registered

1 **39 Section 55 (d)**

2 *omit*

3 to whom the certificate of title has been issued

4 *substitute*

5 whose interest in land has been registered

6 **40 Remainderperson or reversioner may be registered as**
7 **such**
8 **Section 56**

9 *omit*

10 a certificate of title has been issued

11 *substitute*

12 an interest has been registered

13 **41 Instruments not effectual until entry in register**
14 **Section 57**

15 *omit*

16 **42 Estate of registered proprietor paramount**
17 **Section 58 (1)**

18 *omit*

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

21 *substitute*

22 folio of the register for the land

- 1 **43 Section 58 (1) (a)**
- 2 *substitute*
- 3 (a) the interest of a proprietor claiming the same land under a prior
- 4 entry in the register; and
- 5 **44 Section 58 (1) (b)**
- 6 *omit*
- 7 relative certificate of title
- 8 *substitute*
- 9 register
- 10 **45 Section 58 (1) (c)**
- 11 *omit*
- 12 grant, certificate of title, lease or other document or instrument
- 13 evidencing the title of
- 14 *substitute*
- 15 register as land or an interest held by
- 16 **46 Section 58 (2)**
- 17 *omit*
- 18 in any certificate of title or registered instrument shall be deemed
- 19 *substitute*
- 20 in the register is taken

1	47	Sections 61 to 63
2		<i>omit</i>
3	48	Registrar-general may register as proprietor person
4		entitled to land by operation of statute or by defeasance
5		of estate
6		Section 68 (1)
7		<i>omit</i>
8		and issue every such certificate of title
9	49	Dealings with Crown leases
10		Section 71 (2)
11		<i>omit</i>
12		folium
13		<i>substitute</i>
14		folio
15	50	Sections 72A (2) and (3) and 72AB (2)
16		<i>omit</i>
17		folium of the register constituted by the relevant certificate of title
18		<i>substitute</i>
19		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

Section 58

1	58	Mortgage or encumbrance—postponement of priority
2		Section 92A (3), new note
3		<i>insert</i>
4	<i>Note</i>	The execution of an instrument lodged for registration by a legal
5		practitioner or mortgagee corporation is not required to be witnessed
6		because certification for the instrument is given (see s 48BD and
7		E-Conveyancing Law, s 11).
8	59	Discharge of mortgages and encumbrances
9		Section 101 (2) (a)
10		<i>omit</i>
11		subject to subsection (3),
12	60	Section 101 (3)
13		<i>omit</i>
14	61	Variation of mortgages
15		Section 101A (2), new note
16		<i>insert</i>
17	<i>Note</i>	The execution of an instrument lodged for registration by a legal
18		practitioner or mortgagee corporation is not required to be witnessed
19		because certification for the instrument is given (see s 48BD and
20		E-Conveyancing Law, s 11).
21	62	No notice of trusts to be entered in register
22		Section 124 (4)
23		<i>omit</i>
24		folium
25		<i>substitute</i>
26		folio

1 **63** **Transmission by bankruptcy or insolvency**
2 **Section 132 (2)**

3 *omit*

4 folium constituted by the grant or certificate of title of

5 *substitute*

6 folio of the register for

7 **64** **Appointment of new or additional trustees**
8 **Section 138A (1)**

9 *omit*

10 constituted by the grant or certificate of title effected

11 *substitute*

12 for the land

13 **65** **Territory only liable in certain cases**
14 **Section 147 (b)**

15 *omit*

16 certificate of title

17 *substitute*

18 entry in the folio of the register

- 1 **66 Registered proprietor protected against ejectment except**
2 **in certain cases**
3 **Section 152 (1) (f)**
- 4 *omit*
5 any grant or certificate of title of
6 *substitute*
7 the register as an interest in
- 8 **67 Section 152 (1) (g)**
- 9 *omit*
10 grants or 2 or more certificates of a title or a grant and a certificate of
11 title
12 *substitute*
13 interests
- 14 **68 Section 152 (2)**
- 15 *omit*
16 the registered grant, certificate of title or lease
17 *substitute*
18 a current certified extract from the register showing all interests
19 affecting the land

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

4 *omit*
5 or person holding a grant or certificate of title

6 **70** **Section 153 (5)**

7 *omit*

8 **71** **Compensation for party deprived of land**
9 **Section 154 (1) (d)**

10 *omit*
11 , certificate of title

12 **72** **Section 154 (4)**

13 *omit*
14 certificate of title was issued
15 *substitute*
16 transfer was made

17 **73** **When actions may lie against registrar-general as**
18 **nominal defendant**
19 **Section 155**

20 *omit*
21 , certificate of title

Section 74

1	74	Sections 162 and 164A
2		<i>omit</i>
3	75	Offence for certain fraudulent acts
4		Section 165 (1) (a)
5		<i>omit</i>
6		certificate of title or other
7	76	Section 165 (1) (a)
8		<i>omit</i>
9		certificate of title,
10	77	Section 165 (2)
11		<i>omit</i>
12		certificate of title
13		<i>substitute</i>
14		instrument
15	78	Conditions of sale of land under Act
16		Section 171 (1) (c)
17		<i>omit</i>
18	79	Attesting of instruments
19		Section 173, new note
20		<i>insert</i>
21	<i>Note</i>	The execution of an instrument lodged for registration by a legal
22		practitioner or mortgagee corporation is not required to be witnessed
23		because certification for the instrument is given (see s 48BD and
24		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).

1	Part 3	Land Titles (Unit Titles) Act 1970
2	82	Registration of units plan
3		Section 7 (1) (c)
4		<i>omit</i>
5	83	Section 7 (1), note
6		<i>substitute</i>
7	<i>Note 1</i>	The units plan may only be registered if the certification or verification
8		requirements under the Land Titles Act 1925 , s 48BA, s 48BB or s 48BC
9		are met.
10	<i>Note 2</i>	A person may apply for a certificate of duty, land tax, rates and other
11		charges under the Duties Act 1999 , s 244, Land Tax Act 2004 , s 41 and
12		Rates Act 2004 , s 76.
13	84	Duties of registrar-general after units plan registration
14		Section 10 (1) (a)
15		<i>omit</i>
16		, or the certificate of title of the parcel and the duplicate certificate
17	85	Section 10 (1) (b) and (c)
18		<i>substitute</i>
19	(b)	for each lessee of a unit under the Unit Titles Act 2001 ,
20		section 33—register the lessee under the Land Titles Act 1925
21		as the registered proprietor of the unit; and
22	(c)	register the owners corporation under the Land Titles Act 1925
23		as the registered proprietor of the common property; and

1 **86 Section 10 (1) (d)**
2 *omit*
3 certificate of title for the units
4 *substitute*
5 folio of the land titles register for each unit

6 **87 Section 10 (1) (e)**
7 *omit*
8 certificate of title
9 *substitute*
10 folio of the land titles register

11 **88 Section 10 (1) (f)**
12 *omit*
13 certificate of title for the units
14 *substitute*
15 folio of the land titles register for each unit

16 **89 Duties of registrar-general on registration of order**
17 **Section 18 (1) (b)**

18 *omit*

19 **90 Section 18 (1) (d)**
20 *omit*
21 the register in relation to the new certificate of title
22 *substitute*
23 the land titles register for each unit

- 1 **91 Section 18 (2) to (4)**
- 2 *omit*
- 3 **92 Registration of final building damage orders**
- 4 **Section 20 (3)**
- 5 *substitute*
- 6 (3) On registration of the order, the registrar-general must make any
- 7 entries on the land titles register necessary to give effect to the order.
- 8 **93 Registration of termination of unit lease**
- 9 **Section 23 (1) (a)**
- 10 *omit*
- 11 **94 Section 24**
- 12 *substitute*
- 13 **24 Cancellation of memorials made under s 23**
- 14 On lodgment of a notice under the *Unit Titles Act 2001*, section 171
- 15 (New unit lease), the registrar-general must—
- 16 (a) register the notice; and
- 17 (b) enter on the units plan and the schedule of unit entitlement
- 18 further memorials cancelling the memorials entered under
- 19 section 23.
- 20 *Note* A new certificate of title must be given to the lodging party (see *Land*
- 21 *Titles Act 1925*, s 52).

1 **95 Registrar-general to enter expiry of lease in register**
2 **Section 25**

3 *omit*
4 and the certificates of title and duplicate certificates of title

5 **96 Delivery to registrar-general of certificates of title**
6 **Section 32**

7 *omit*

8 **97 Dictionary, note 2**

9 *insert*
10

- 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 **[1.3] Section 87**
- 2 *omit*
- 3 endorse the relevant certificate of title in the register kept under the
- 4 *Land Titles Act 1925* to that effect
- 5 *substitute*
- 6 enter the company as the registered proprietor of the land or interest
- 7 in land on the land titles register
- 8 **[1.4] Section 92 (5)**
- 9 *omit*
- 10 endorse the relevant certificate of title in the register kept under the
- 11 *Land Titles Act 1925* to that effect
- 12 *substitute*
- 13 enter the entity in which the property is vested as the registered
- 14 proprietor of the land or interest in land on the land titles register
- 15 **[1.5] Section 94 (2)**
- 16 *omit*
- 17 endorse the relevant certificate of title in the register kept under the
- 18 *Land Titles Act 1925* to that effect
- 19 *substitute*
- 20 enter the registrar-general as the registered proprietor of the land or
- 21 interest in land on the land titles register
- 22 **[1.6] Dictionary, note 2**
- 23 *insert*
- 24
 - land titles register

1 **Part 1.3 Building Act 2004**

2 **[1.7] Section 52, definition of *easement*, paragraph (a)**

3 *substitute*

4 (a) the land titles register; or

5 **[1.8] Dictionary, note 2**

6 *insert*

- 7 • land titles register

8 **Part 1.4 Building (General) Regulation**
9 **2008**

10 **[1.9] Section 16 (2) (b)**

11 *substitute*

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

14 **[1.10] Section 36A (2) (b)**

15 *substitute*

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

18 **[1.11] Dictionary, note 2**

19 *insert*

- 20 • land titles register

1 **[1.12] Dictionary, new definition of *deposited plan***

2 *insert*

3 *deposited plan*—see the *Districts Act 2002*, section 7.

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

6 **[1.13] Section 9 (1) (b)**

7 *substitute*

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

10 **[1.14] Section 9 (1) (d) and (e)**

11 *omit*

12 on the certificate of title

13 *substitute*

14 in the land titles register

15 **[1.15] Section 9 (1) (g) (iii)**

16 *substitute*

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

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

2 *omit*

3 on the certificate of title

4 *substitute*

5 in the land titles register

6 **[1.17] Dictionary, note 2**

7 *insert*

- 8 • land titles register

9 **Part 1.6 Community Title Act 2001**

10 **[1.18] Section 17 (1) (b)**

11 *omit*

12 folium for the certificate of title

13 *substitute*

14 folio of the land titles register

15 **[1.19] Section 25 (2) (c)**

16 *substitute*

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

1 **[1.20] Section 26 (1) (b)**

2 *omit*
3 folium for the certificate of title
4 *substitute*
5 folio of the land titles register

6 **[1.21] Section 91 (1) (a)**

7 *omit*
8 folium for the certificate of title
9 *substitute*
10 folio of the land titles register

11 **[1.22] Section 91 (1) (b)**

12 *omit*
13 register kept under the *Land Titles Act 1925*, section 43
14 *substitute*
15 land titles register

16 **[1.23] Dictionary, note 2**

17 *insert*
18 • land titles register

19 **[1.24] Dictionary, definition of *lot*, paragraph (a)**

20 *substitute*
21 (a) means a parcel of land registered under the *Land Titles Act 1925*;
22 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 2020.

3 Republications of amended laws

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

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