

AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

REAL PROPERTY (CONSEQUENTIAL PROVISIONS) BILL 1993

EXPLANATORY MEMORANDUM

Circulated by authority of

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Attorney General

REAL PROPERTY (CONSEQUENTIAL PROVISIONS) BILL 1993

OUTLINE

Amendments contained in the *Real Property (Amendment) Bill 1993* are designed to facilitate the computerisation of the Land Titles Register. Once the Titles Office is computerised a major part of the Register which the Registrar-General is required by the *Real Property Act 1925* to keep will itself become a computer record. The amendments contained in the *Real Property (Amendment) Bill 1993* alter the *Real Property Act 1925* by removing expressions which would limit the Registrar-General to keeping paper records. Thus references to "book" and "stamped" are removed together with phrases such as "under his hand".

The *Real Property (Consequential Provisions) Bill 1993* contains a number of minor amendments to Acts which are linked to the *Real Property Act*. These amendments are necessary as a result of the changes to the *Real Property Act*. They remove references to binding in the Register Book, to duplicate documents and to forms set out in Schedules to the *Real Property Act*. References to the Register are altered to remove the word 'book' as in the future the Register will be kept in a combination of media including computer records.

Financial Effect

These amendments have no financial effect on their own but are a necessary part of the automation of the Land Titles Office which will result in increased efficiencies and reduction in costs of operation.

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CLAUSE NOTES

Clause 1: Short Title

The Act may be cited as the *Real Property (Consequential Provisions) Act 1993*".

Clause 2: Commencement

The Bill, apart from clauses 1 and 2 (which will commence when the Bill is Gazetted as an Act), will commence on a date to be fixed by the Minister. There is a further provision that if the date is not fixed within six months of enactment, the substantive provisions of the Act will commence automatically.

Clause 3: Amendments of Acts

The Acts which require amendment as a result of the changes to the *Real Property Act* are set out in the Schedule together with the necessary amendments.

Schedule

The Acts to be amended are set out in alphabetical order. The amendments can be summarised as set out below.

- *Associations Incorporation Act 1991*

The word 'book' is removed from several sections which refer to the Register.

- *Australia and New Zealand Banking Group Limited (NMRB) Act 1991*

The word 'book' is removed from a section which refers to the Register.

- *Districts Act 1966*

A reference to binding in the Register Book is replaced by a reference to the Register. A reference to duplicate instruments is removed as there will no longer be original and duplicate instruments. The computer record will form the original document and printouts from it will be provided where necessary. A reference to endorsing duplicate instruments is removed.

- *Land (Planning and Environment) Act 1991*

References to "Register Book" are altered to "Register".

- *Legal Aid Act 1977*

A reference to "Register Book" is altered to "Register".

- *Presbyterian Church Trust Property Act 1971*

References to duplicate instruments are removed and a reference to the "Register Book" is altered to "Register".

- *Rates and Land Rent (Relief) Act 1970*

The word 'book' is removed from a section which refers to the Register.

- *Rates and Land Tax Act 1926*

The word 'book' is removed from a section which refers to the Register.

- *Real Property (Conversion of Titles) Act 1967*

References to "Register Book" are altered to "Register". A reference to a form in a Schedule to the *Real Property Act* is replaced by a requirement that the form of the document be approved by the Registrar-General. This corresponds to the amendments to the *Real Property Act* which repeal all but 2 of the Schedules. Requirements to enter memorials on duplicate documents are removed as the computer recording system will make it unnecessary.

- *Unit Titles Act 1970*

The word 'book' is removed from a section which refers to the Register.