

# AUSTRALIAN CAPITAL TERRITORY

## REAL PROPERTY ORDINANCE 1961.

### EXPLANATORY MEMORANDUM

No. 7 of 1961

The main purpose of this Ordinance, and the purpose of the proclamation to be made in conjunction with it under the Seat of Government Acceptance Act 1909-1955 and the Seat of Government (Administration) Act 1933, is to make it possible to bring under the land registration system operating in the A.C.T. the parcels of land in the A.C.T., to which the present registration system does not apply.

Under those Acts and the Real Property Ordinance of the Australian Capital Territory, provision was made as a matter of convenience that land that was on the date of the transfer of the Territory to the Commonwealth, namely 1 January, 1911, the subject of contracts for the conditional purchase of the land from the Crown, should be deemed to be under the provision of the New South Wales Real Property Act and dealings in respect of that land should, until the law is altered, be listed under the New South Wales land registration system.

In some of these cases, Crown grants have been issued to the purchasers since 1 January, 1911, and in other cases the Crown grants still remain to be issued. The amendment of the Ordinance and the issue of the proclamation under the Acts mentioned will make it possible to bring all remaining land in the Australian Capital Territory in to the Territory's registration of land system. The amendment of the Ordinance will also validate some cases in which land has already been brought into that registration system although it was not land that under the current law should have been registered under that system.

The amending Ordinance also enables documents executed outside Australia for the purposes of the principal Ordinance to be attested by Australian consular officers (at present this function can be performed by the United Kingdom but not by Australian consular officers), provides for a memorial entered by the Registrar of Titles in the Register Book to be conclusive evidence that a building was completed on a particular block of land that complies with the conditions in the lease (under the City Area Leases Ordinance leases cannot be transferred or assigned without the approval of the Minister, until the building the lessee is required, under the lease, to erect on the land has been completed), enables the expiration of a lease to be noted in the Register Book without an application being made for that purpose as is necessary at present, requires applications for which no form is prescribed in the Ordinance to be made in accordance with a form approved by the Registrar, provides for the execution of a memorandum of surrender when a registered lease is surrendered, as an alternative to the endorsement upon the lease of the fact and date of surrender, and makes other minor amendments of an administrative or clarifying nature.