

2017

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

LAND TITLES AMENDMENT REGULATION 2017 (No 1)

SL2017-29

EXPLANATORY STATEMENT

**Presented by
Gordon Ramsay MLA
Attorney-General**

LAND TITLES AMENDMENT REGULATION 2017 (No 1)

Introduction

This explanatory statement relates to the *Land Titles Amendment Regulation 2017 (No 1)* (the Amending Regulation). It has been prepared in order to assist the reader of the Amending Regulation.

The statement is to be read in conjunction with the Amending Regulation. It is not, and is not meant to be, a comprehensive description of the Amending Regulation.

Outline

Purpose of the Regulation

The Amending Regulation makes amendments to the *Land Titles Regulation 2015* to implement the *Revenue Legislation Amendment Act 2017*.

The Revenue Legislation Amendment Act amended taxation legislation to adopt a ‘Barrier Free’ model for the collection of conveyance duty. This moved the point of taxation from during the transaction to after settlement.

The Revenue Legislation Amendment Act amended the *Land Titles Act 1925* to allow the Registrar-General to collect information on behalf of the Commissioner for ACT Revenue for the purpose of assessing duty.

Section 178B of the Land Titles Act (as amended) authorises the Registrar-General to collect the information for the Commissioner. Section 178B (2) (k) anticipates a regulation to prescribe how a purchaser will provide proof of identity in relation to the transaction. The purpose of the Amending Regulation is to implement the proof of identity system requirements arising from the Barrier Free model.

Regulatory impact statement

A regulatory impact statement is not required for the Amending Regulation as it does not impose any appreciable costs on the community, or a part of the community.

Human rights implications

This Regulation is being made to implement the Revenue Legislation Act and does not have any human rights implications in itself.

Clause Notes

Clause 1 Name of regulation

This clause provides that the name of this regulation is the *Land Titles Amendment Regulation 2017 (No 1)*

Clause 2 Commencement

This clause provides that this regulation commences at the same time as section 3 of the *Revenue Legislation Amendment Act 2017*.

Clause 3 Legislation amended

This clause provides that this regulation amends the *Land Titles Regulation 2015*.

Clause 4 New section 1A

This clause adds a new section 1A to the Land Titles Regulation.

New section 1A provides that the dictionary at the end of the Land Titles Regulation is part of that regulation. This section also contains two notes, which provide that the dictionary defines certain terms used in that regulation, and that a definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears.

Clause 5 New section 3

This clause inserts a new section 3 into the Land Titles Regulation.

This section is made under the regulation-making power in section 178B(2)(k) of the *Land Titles Act 1925* (as amended by the Revenue Legislation Amendment Act). Section 178B of the Land Titles Act requires the Registrar-General to give information about certain transactions and instruments to the Commissioner for ACT Revenue. The Registrar-General is authorised to collect any details prescribed by regulation about the proof of identity for the purchaser.

New section 3 authorises the Registrar-General to collect details of two different kinds of identification document. At least one of these must be a primary identification document. Primary and secondary identification documents are listed in schedule 1.

Clause 6 New schedule 1

This clause inserts a new schedule 1 into the Land Titles Regulation.

New schedule 1 provides details of primary and secondary identification documents that may be collected by the Registrar-General.

Schedule 1, part 1.1 lists the primary identification documents and the particular details that may be collected by the Registrar-General. A birth certificate, current passport, citizenship certificate and current evidence of immigration status card issued by the Commonwealth are primary identification documents.

The Registrar-General may collect details of the issuing jurisdiction, the person's date of birth and the birth certificate registration number from a birth certificate. The Registrar-General may collect details of the issuing jurisdiction, person's date of birth, passport number and passport expiry date from a current passport. The Registrar-General may collect the certificate or stock number (if any), and the date of issue from a citizenship certificate. The Registrar-General may collect the card number and card expiry date from a current evidence of immigration status card issued by the Commonwealth (for example, ImmiCard).

Schedule 1, part 1.2 lists the secondary identification document and the particular details that may be collected by the Registrar-General. A current Australian driver licence, current Medicare card issued by the Commonwealth and current visa issued under the *Migration Act 1958* (Cwlth) are secondary identification documents.

The Registrar-General may collect details of the issuing jurisdiction, person's date of birth, licence number and licence expiry date from a current Australian driver's licence. The Registrar-General may collect details of the card number, a person's individual reference number and the card expiry date from a current Medicare card. The Registrar-General may collect details of the visa number and visa expiry date (if any) from a current visa.

Clause 7 New dictionary

This clause inserts a new dictionary into the Land Titles Regulation.

The new dictionary includes a definition of 'birth certificate'. 'Birth certificate', for a person, means the person's birth certificate, or a certified extract about the person's birth from the register, under the *Births, Deaths and Marriages Registration Act 1997* or a corresponding law of a State or an external territory.

The new dictionary also includes a definition of 'citizenship certificate'. 'Citizenship certificate' for a person, means a certificate, declaration, notice or other instrument of a person's nationality under the *Australian Citizenship Act 2007* (Cwlth) or the *Australian Citizenship Act 1948* (Cwlth) (repealed).