

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the Real Property Act 1900:

- (a) to enable the electronic lodgment of a notice of sale, and
- (b) so that the Registrar-General may require a certificate of correctness in relation to a notice of sale (whether or not the notice is lodged electronically), and
- (c) to clarify the circumstances in which compensation may be payable from the Torrens Assurance Fund in relation to the details supplied in a notice of sale, and
- (d) to make other minor amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Explanatory note page 2

Real Property Amendment (Land Transactions) Bill 2009

Explanatory note

Schedule 1 Amendment of Real Property Act 1900

No 25

Section 39 (1B) of the Real Property Act 1900 provides that the Registrar-General may:

- (a) refuse to accept for registration certain land dealings or applications relating to a change in the name of a registered proprietor, or
 - (b) refuse to register such a dealing or application, or
 - (c) reject such a dealing or application,
- if it is not accompanied by a fully completed notice in the approved form. The current approved form is known as a notice of sale.

Schedule 1 [1] provides that a dealing or application is taken to be accompanied by a notice of sale if, before the presentation of the dealing or application, a notice relating to the dealing or application is lodged electronically in a form and in the manner approved by the Registrar-General.

Schedule 1 [3] provides that the Registrar-General may reject, or may refuse to accept or to take any action in relation to, any dealing accompanied by a notice (in accordance with section 39 (1B) of the Real Property Act 1900) if a certificate of correctness in relation to that notice is not completed in the specified manner.

Schedule 1 [4] makes a consequential amendment.

Schedule 1 [5] and [6] clarify that compensation is not payable in relation to any loss or damage arising from the provision by the Registrar-General of information supplied in a notice of sale except in relation to an error of the Registrar-General in recording the details supplied in such a notice.

Schedule 1 [8] enables regulations of a savings or transitional nature to be made consequent on the enactment of the proposed Act.

Schedule 1 [9] contains a transitional provision.

Schedule 1 [2] and [7] make statute law revision amendments.