



New South Wales

Registrar-General Legislation (Amendment and Repeal) Bill 2010

Explanatory note

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

Overview of Bill

The objects of this Bill are:

- (a) to repeal the *Registrar-General Act 1973* and transfer provisions relating to the Registrar-General's seal and the making of statutory declarations to the *Real Property Act 1900* and the *Oaths Act 1900*, respectively, and
- (b) to amend the *Real Property Act 1900* to allow the Registrar-General to delegate functions and powers to authorised persons.

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 the date of assent.

Clause 3 provides for the repeal of the *Registrar-General Act 1973*.

Schedule 1 Amendment of Acts

Schedule 1.1 amends section 21 of the *Interpretation Act 1987* to include a definition for **Registrar-General**. That section defines certain terms and expressions that are commonly used in Acts and instruments.

Schedule 1.2 amends the *Oaths Act 1900* to provide that statutory declarations may be made before the Registrar-General or a Deputy Registrar-General.

Currently, section 5 of the *Registrar-General Act 1973* (which is repealed by the proposed Act) provides that a statutory declaration may be made before the Registrar-General or a Deputy Registrar-General.

Schedule 1.3 inserts proposed section 4A into the *Real Property Act 1900*. The proposed section provides for the delegation of the functions of the Registrar-General and for the use of the Registrar-General's seal.

First print



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New South Wales

Registrar-General Legislation (Amendment and Repeal) Bill 2010

No. , 2010

A Bill for

An Act to amend the *Real Property Act 1900* to provide for the delegation of the Registrar-General's functions; to repeal the *Registrar-General Act 1973* and transfer certain provisions to other Acts; and for other purposes.

The Legislature of New South Wales enacts:	1
1 Name of Act	2
This Act is the <i>Registrar-General Legislation (Amendment and Repeal) Act 2010</i> .	3 4
2 Commencement	5
This Act commences on the date of assent to this Act.	6
3 Repeal of Registrar-General Act 1973 No 67	7
The <i>Registrar-General Act 1973</i> is repealed.	8

Schedule 1	Amendment of Acts	1
1.1	Interpretation Act 1987 No 15	2
	Section 21 Meanings of commonly used words and expressions	3
	Insert in alphabetical order in section 21 (1):	4
	<i>Registrar-General</i> means the Registrar-General holding office as such under Chapter 1A of the <i>Public Sector Employment and Management Act 2002</i> .	5 6 7
1.2	Oaths Act 1900 No 20	8
	Section 21 Declarations in cases not specifically provided for	9
	Omit “Any” from section 21 (1).	10
	Insert instead “The Registrar-General, a Deputy Registrar-General or any”.	11
1.3	Real Property Act 1900 No 25	12
	Section 4A	13
	Insert after section 4:	14
	4A Registrar-General—delegation and seal of office	15
	(1) The Registrar-General may delegate any of the powers and functions of the Registrar-General under this or any other Act, other than this power of delegation, to a member of staff of the Land and Property Management Authority.	16 17 18 19
	(2) The Registrar-General is to have a seal of office that bears an impression of the Arms of the State of New South Wales and has inscribed in the margin the words “Registrar-General, New South Wales”.	20 21 22 23
	(3) An instrument or document issued by the Registrar-General or a Deputy Registrar-General, acting or purporting to act under the authority of any Act, is not invalid only because of:	24 25 26
	(a) any irregularity in the manner or time of affixing, impressing or printing the seal of the Registrar-General to or on the instrument or document, or	27 28 29
	(b) a failure to affix, impress or print the seal of the Registrar-General to or on the instrument or document.	30 31

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Schedule 1 Amendment of Acts

- (4) All courts and persons acting judicially: 1
 - (a) are required to take judicial notice of the seal of the 2
Registrar-General, and 3
 - (b) must, until the contrary is proved, presume that the seal 4
was properly affixed. 5