

Agreement in Principle

Mr JOHN AQUILINA (Riverstone—Parliamentary Secretary) [12.46 p.m.]: I move:

That this bill be now agreed to in principle.

The Registrar-General Legislation (Amendment and Repeal) Bill 2010 seeks to repeal the Registrar-General Act 1973 and transfer the provisions relating to the Registrar-General to the Real Property Act 1900. Most importantly, this proposed bill will grant the Registrar-General a power of delegation common in most legislation. The Registrar-General Act is an antiquated piece of legislation that in many ways has been made redundant due to the commencement of other legislation over the years. Section 3 (1) of the Registrar-General Act refers to the Registrar-General being appointed by the Governor under the repealed Public Service Act of 1902. Similarly, the section refers to deputy registrars-general being appointed by the Governor.

Appointments to positions in this manner are made redundant by the provisions of the Public Sector Employment and Management Act, which governs the appointment of public service staff and officers. It is no longer a requirement that the Governor appoint senior executive officers to public service positions. The Registrar-General Act is silent on the ability of the Registrar-General to delegate his powers. Delegation powers are common in most of today's legislation where there is a senior officer or chief executive officer. In fact, there is a general delegation power in the Public Sector Employment and Management Act for all division and department heads, although it should be noted that the Registrar-General is neither a division nor a department head.

The Registrar-General has requested delegation powers so that he may effectively exercise his powers and functions under the various pieces of legislation that require his services. The Registrar-General may not be available at times, therefore, enabling him to delegate his functions to another person will ensure that the Registrar-General's functions are being performed at all times. There are no significant changes that this bill introduces to the office of the Registrar-General. The amendments are designed to allow the Registrar-General to efficiently discharge his powers and duties more effectively. The office of the Registrar-General is of central importance to the economy of this State. All land dealings and plans are handled by the Registrar-General, through the Land and Property Management Authority. Land dealings comprise a significant portion of this State's economy, and assisting the Registrar-General's office to effectively deal with his duties is an important task. The Registrar-General's most important duty is to maintain the register, which is the heart of the Torrens system. This system enables people to deal with land with the confidence that what is shown on the register is conclusive.

The office of the Registrar-General has been in existence since 1844. At that time all registrations of land grants and all certificates and registers of births, baptisms, marriages and burials were transferred from the Supreme Court to the office of the Registrar-General. In the ensuing years the Registrar-General was called upon to undertake many other functions. On 1 January 1863, when the first Torrens title legislation was introduced, the administration of the Real Property Act came under the Registrar-General's control. During those early years the Companies Act of 1874, and the later Companies Acts of 1899 and 1936, were also administered by the Registrar-General. By the Transfer of Records Act 1923 numerous other registrations such as bills of sale, newspapers and printing presses that were formerly effected at the Supreme Court were transferred to the Registrar-General. In more modern times the Registrar-General has been relieved of some of his earlier functions in 1962 of registering companies and of registering newspapers and printing presses in 1973. The function of registering births, deaths and marriages belonged to the Registrar-General until 1 January 1976.

Over the years the diversified functions vested in the Registrar-General have been reduced so that his main responsibilities centre on matters relating to the registration of land. In this regard the Registrar-General is responsible for the administration of a range of Acts, including the Real Property Act, the Conveyancing Act, and the various strata legislation. These Acts each contain provisions relating to the powers of the Registrar-General. Therefore, the need for a separate Registrar-General Act no longer exists. The bill will repeal the Registrar-General Act and do away with the executive appointment of a Deputy Registrar-General. This bill will insert a new section 4A in the Real Property Act. This new section will provide for the delegation of the functions of the Registrar-General and for the use of the Registrar-General's seal of office.

There are other minor consequential amendments that this bill makes. Firstly, the Registrar-General will now be defined in the Interpretation Act 1967. He is referenced in many other pieces of legislation that do not specifically deal with land, such as the Trustee Act and the Anglican Church of Australia (Bodies Corporate) Act. As a consequence, a definition of his position is required. Secondly, section 5 of the Registrar-General Act provides that a statutory declaration may be made before the Registrar-General or a Deputy Registrar-General. As that Act will be repealed by this bill, this provision will be reflected in the Oaths Act 1900, which will provide that statutory declarations may be made before the Registrar-General or a Deputy Registrar-General. An added benefit of this bill is that it will modernise the Real Property Act and bring it into line with other legislation by granting delegation powers to the Registrar-General. This will ensure that the Registrar-General will be able to discharge his duties effectively and efficiently by ensuring that his position is always filled. I commend the bill to

the House.