

Conveyancing Amendment (Central Register of Restrictions) Bill 2000

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 *Conveyancing Act 1919* to provide for the establishment of a Central Register of Restrictions (***the Central Register***) with the following features:

- (a) the Central Register will be maintained by the Registrar-General and will be used to record certain information affecting land (such as proposals that affect land) on behalf of persons (***participating parties***) who enter into an agreement with the Registrar-General to participate in the Central Register,
- (b) the Registrar-General will be authorised to answer inquiries on behalf of participating parties in relation to matters about which information is recorded in the Central Register, and for that purpose inquiries that would ordinarily be made to a participating party will instead be able to be made directly to the Registrar-General,
- (c) a response to such an inquiry by the Registrar-General will be a response as agent for and on behalf of the participating party and will have the same effect for all purposes as a response by the participating party concerned.

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.

Clause 3 is a formal provision giving effect to the amendments to the *Conveyancing Act 1919* set out in Schedule 1.

Schedule 1 Amendments

Schedule 1 [1] inserts a new Part 24 into the *Conveyancing Act 1919*, containing the following provisions:

- (a) Proposed section 205 contains definitions for the purposes of the new Part. Under these definitions, a ***participating party*** is a person who is a party to an ***information agreement*** with the Registrar-General providing for the recording in the Central Register on behalf of the participating party of information about proposals that affect land and other information.
- (b) Proposed section 206 provides for the establishment of the Central Register by the Registrar-General with the Central Register to be kept in such form as the Registrar-General considers appropriate.
- (c) Proposed section 207 details the kinds of information that can be recorded in the Central Register. An example is information concerning a proposal that affects land, the use of land or the alienation of land or an interest in land.
- (d) Proposed section 208 deals with access to information recorded in the Central Register. Information recorded on behalf of a participating party must not be provided to a person except as permitted by the relevant information agreement. The use of and access to information recorded in the Central Register on behalf of a participating party is also governed by the relevant information agreement.
- (e) Proposed section 209 sets up procedures whereby information recorded on the Central Register on behalf of a participating party can be provided by the Registrar-General on application to the Registrar-General on behalf of the participating party. The information provided by the Registrar-General is taken to have been provided by the participating party.
- (f) Proposed section 210 deals with the fees to be paid to the Registrar-General on behalf of a

participating party to obtain information from the Central Register and the entitlement of the Registrar-General to deduct a service fee or commission before paying the balance to the participating party.

- (g) Proposed section 211 protects the Registrar-General and others from liability for acts and omissions in good faith in the administration of the Central Register but without affecting any liability that may be provided for by an information agreement. The liability of a participating party for information provided on its behalf by the Registrar-General is not affected.
- (h) Proposed section 212 provides for the entering into of information agreements and the matters for which such an agreement can provide.
- (i) Proposed section 213 sets out the responsibilities of participating parties to ensure that information in the Central Register is accurate and up to date and makes it clear that their rights as custodians and managers of information are not affected by the recording of the information in the Central Register.
- (j) Proposed section 214 requires that there be consultation with participating parties before certain aspects of the Central Register and its administration are altered.
- (k) Proposed section 215 makes it clear that the proposed Part extends to land under the provisions of the *Real Property Act 1900*.

Schedule 1 [2] authorises the making of consequential savings and transitional regulations.

Schedule 1 [3] enacts a consequential savings provision to continue with appropriate modifications information agreements entered into before the commencement of the new provisions.