

LOCAL GOVERNMENT (REAL PROPERTY COMPUTER REGISTER) AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Real Property (Computer Register) Amendment Bill, 1979.

The objects of this Bill are—

- (a) to amend the Local Government Act, 1919 ("the Principal Act") so as to facilitate the keeping in a computer of the whole or any part of the Register maintained under the Real Property Act, 1900 (Schedule 1 (1), (3) (a), (4), (5), (6), (7) (e) and (8));
 - (b) to provide that, where land and minerals therein have been resumed or appropriated under the Principal Act by a council, within the meaning of that Act, and an application has been made to bring that land under the provisions of the Real Property Act, 1900, the minerals may not be divested from the council in the manner presently provided, so that the minerals will not be prevented from being brought under those provisions pursuant to that application (Schedule 1 (7) (b));
 - (c) to vary the provisions of section 622 of the Principal Act relating to applications for and the furnishing and effect of a certificate of the Registrar-General stating certain particulars recorded in the Register kept under the Real Property Act, 1900, or in the General Register of Deeds maintained under the Registration of Deeds Act, 1897 (Schedule 1 (9)); and
 - (d) to make other provisions of a minor or ancillary nature.
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**LOCAL GOVERNMENT (REAL PROPERTY
COMPUTER REGISTER) AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Local Government Act, 1919, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer, and for other purposes.

[MR CRABTREE—25 October, 1979.]

Local Government (Real Property Computer Register) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the “Local Government (Real Property Computer Register) Amendment Act, 1979”. Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall
10 commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

3. The Local Government Act, 1919, is referred to in this Act as the Principal Act. Principal
Act.

15 **4.** The Principal Act is amended in the manner set forth in Schedule 1. Amendment
of Act No.
41, 1919.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

20 (1) Section 4, definition of “Subdivision”, “subdivide” and similar expressions—

From paragraph (c), omit “issue of a certificate of title”, insert instead “creation of a folio of the Register kept”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 276C (6) (a)—

After “completed”, insert “and registrable”.

5 (b) Section 276c (7)—

After “subsection (4)”, insert “and, unless he has dispensed with its production, the certificate of title to which the transfer relates”.

(3) (a) Section 327AA (1), definition of “plan of subdivision”—

10 (i) From paragraph (e), omit “a certificate of title has issued”, insert instead “a folio of the Register has been created”.

(ii) From paragraph (g), omit “land.”, insert instead “land;”.

15 (b) Section 327AA (1), definition of “Register”—

After the definition of “plan of subdivision”, insert :—

“Register” means the Register kept under the Real Property Act, 1900.

(c) Section 327AA (4) (a) (iii)—

20 Omit “certificate of title or Crown Grant”, insert instead “folio of the Register”.

(d) Section 327AA (4) (b)—

Omit “certificate of title or Crown Grant”, insert instead “folio of the Register”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 327B—

5 Omit “Act, issue in the name of the council a certificate of title for each lot comprising the temporary road and shall enter thereon a caveat forbidding the registration of any dealings not consistent with the provisions of this Act relating to temporary roads.”, insert instead :—

Act—

- 10 (a) create a folio of the Register kept under the Real Property Act, 1900, for the estate or interest of the council in each lot comprised in the temporary road;
- 15 (b) record therein a caveat forbidding the registration of any dealings not consistent with the provisions of this Act relating to temporary roads; and
- (c) issue to the council a certificate of title for each such lot.

20 (5) Section 340c (2)—

Omit “issuing to the council a certificate of title under the provisions of the Real Property Act, 1900, for”, insert instead “creating a folio of the Register kept under the Real Property Act, 1900, for the estate or interest of the council in”.

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(6) (a) Section 340D (2)—

Omit “issue to the council a certificate of title for”, insert instead “create a folio of the Register kept under that Act for the estate or interest of the council in”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 340D (2)—

Omit “thereon”, insert instead “therein”.

5 (7) (a) Section 536AA (3)—

Omit “The council”, insert instead “Subject to subsection (3A), the council”.

(b) Section 536AA (3A)—

After section 536AA (3), insert :—

10 (3A) Where a resumption application relating to land resumed or appropriated under this Part has been lodged under section 31A (2) of the Real Property Act, 1900, with the Registrar-General—

15 (a) a notification under subsection (3) published in the Gazette after the commencement of this subsection may not divest from the council the minerals resumed or appropriated within that land; and

20 (b) any transfer of those minerals after that land has been brought under the provisions of the Real Property Act, 1900, shall, for the purposes of subsection (5), be deemed, upon its registration under that Act, to vest those minerals under this section in
25 the transferee.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(c) Section 536AA (4), (4A)—

Omit section 536AA (4), insert instead :—

5 (4) Upon publication of a notification under subsection (3), the council shall, in respect of minerals vested under that subsection by the notification—

10 (a) where the minerals so vested are under the provisions of the Real Property Act, 1900, make a request under section 46C of that Act in relation to those minerals and furnish such of the evidence required in connection therewith as may be in its possession or under its control; or

15 (b) where the minerals so vested are not under the provisions of the Real Property Act, 1900, forward a copy of the notification of the vesting to the Registrar-General who shall, upon receipt thereof, cause a memorandum of the vesting of those minerals to be prepared and registered in the General Register of Deeds kept under the Registration of Deeds Act, 1897, and, for the purposes of that Act, that memorandum shall be deemed to be a registration
20 copy of an instrument duly registered under that Act.

25 (4A) A request made by the council in compliance with subsection (4) (a) shall be deemed to have been made by the person entitled so to do
30 under section 46C of the Real Property Act, 1900.

(d) Section 536AA (6)—

Omit “affecting”, insert instead “effecting”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(e) Section 536AA (7)—

Omit the subsection, insert instead :—

5 (7) Without limiting the discretion conferred
upon the Registrar-General by section 46C of the Real
Property Act, 1900, the Registrar-General shall not,
when creating a folio of the Register kept under that
10 Act or making recordings in that Register in respect
of minerals pursuant to a request made under sub-
section (4) (a), be required to make any recordings
in that Register, other than—

15 (a) such recordings as may, in his opinion, be
necessary with respect to the vesting of the
minerals in the person and for the estate
specified, in the notification of the vesting
of those minerals, as the person in whom,
and the estate for which, they were
thereby vested; and

20 (b) any recordings relating to the land des-
cribed in the notification, being recordings
that appeared in that Register immediately
before the resumption or appropriation of
that land, other than recordings relating
25 only to estates or interests excepted in the
notification.

(8) (a) Section 604 (3), proviso—

30 From paragraph (a), omit “entries notifications and
cancellations in the register-book as”, insert instead
“recordings in the Register kept under that Act,
create or cancel such folios of that Register and issue
such certificates of title as, in his opinion,”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (b) Section 604 (3), proviso—
5 From paragraph (b), omit “notified on the folium of the register-book constituted by the Crown grant or certificate of title”, insert instead “recorded in the relevant folio of that Register”.
- (c) Section 604 (3), proviso—
From paragraph (b), omit “and so notified”.
- 10 (d) Section 604 (3), proviso—
From paragraph (b), omit “entries or notifications of”, insert instead “recordings with respect to”.
- (e) Section 604 (3), proviso—
15 From paragraph (b), omit “notify on the folium of the register-book from time to time constituted by the Crown grant or certificate of title”, insert instead “record in the relevant folio of that Register”.
- (f) Section 604 (3), proviso—
Omit paragraph (c).
- 20 (g) Section 604 (3), proviso—
In paragraph (e), after “effect”, insert “, other than any transfer by the council which shall be in the form approved under the Real Property Act, 1900, by the Registrar-General.”.
- 25 (h) Section 604 (3), proviso—
From paragraph (f), omit “entry, notification, or cancellation or”, insert instead “recording or for”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(i) Section 604 (3), proviso—

5 From paragraph (f), omit “Conveyancing Acts, 1919–1943”, insert instead “Real Property Act, 1900”.

(9) (a) Section 622 (1) (a)—

After “Act”, insert “is prima facie evidence that the person is the owner or lessee of the land”.

10 (b) Section 622 (1) (b)—

Omit the paragraph, insert instead :—

(b) a certificate furnished by the Registrar-General under subsection (2) with respect to any land is prima facie evidence—

15 (i) that the person described in the certificate as the proprietor or owner of the land was the owner of that land; and

20 (ii) that the person, if any, so described as the lessee of the land was the lessee of that land,

at the time or during the period specified in the certificate pursuant to subsection (2) (d) (i) or (ii), as the case may be.

25 (c) Section 622 (1)—

Omit “shall be prima facie evidence that such person is owner or lessee, as the case may be, of the land.”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(d) Section 622 (2)—

Omit the subsection, insert instead :—

5 (2) Where—

(a) written application with respect to any land has been made to the Registrar-General pursuant to this subsection by the town or shire clerk of a council; and

10 (b) he has been paid the prescribed fee,
the Registrar-General shall furnish to the council a certificate setting forth such of the following particulars as are recorded in the Register kept under the Real Property Act, 1900, or in the General Register of Deeds maintained under the Registration of Deeds Act, 1897, as the case may be, and that he is able to ascertain from the information about the land furnished in the application :—

(c) the situation and a description of the land;

20 (d) in the case of—

(i) land subject to the provisions of the Real Property Act, 1900—the names and addresses of the person registered under that Act as the proprietor of, and any person so registered as a lessee of, the land at the time or during the period in respect of which the application is made and the dates of registration of the instruments under which they became so registered; or

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Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (ii) land not subject to those provisions
—the names and addresses of the
owner and of any lessee of the land
at the time or during the period in
respect of which the application is
made and the dates and dates of
10 registration under the Registration
of Deeds Act, 1897, of the instru-
ments kept in the General Register
of Deeds maintained under that
Act under which the owner or
lessee became the owner or lessee,
15 as the case may be, of the land.

(e) Section 622 (4)—

After section 622 (3), insert :—

- 20 (4) In subsection (2) (b), a reference to the
prescribed fee is, in relation to an application made
under that paragraph—
- (a) with respect to land subject to the pro-
visions of the Real Property Act, 1900—
a reference to the fee prescribed under that
Act for the purposes of that paragraph; or
- 25 (b) with respect to land that is not subject to
the provisions of that Act—a reference to
the fee prescribed under the Conveyancing
Act, 1919, for the purposes of that
paragraph.

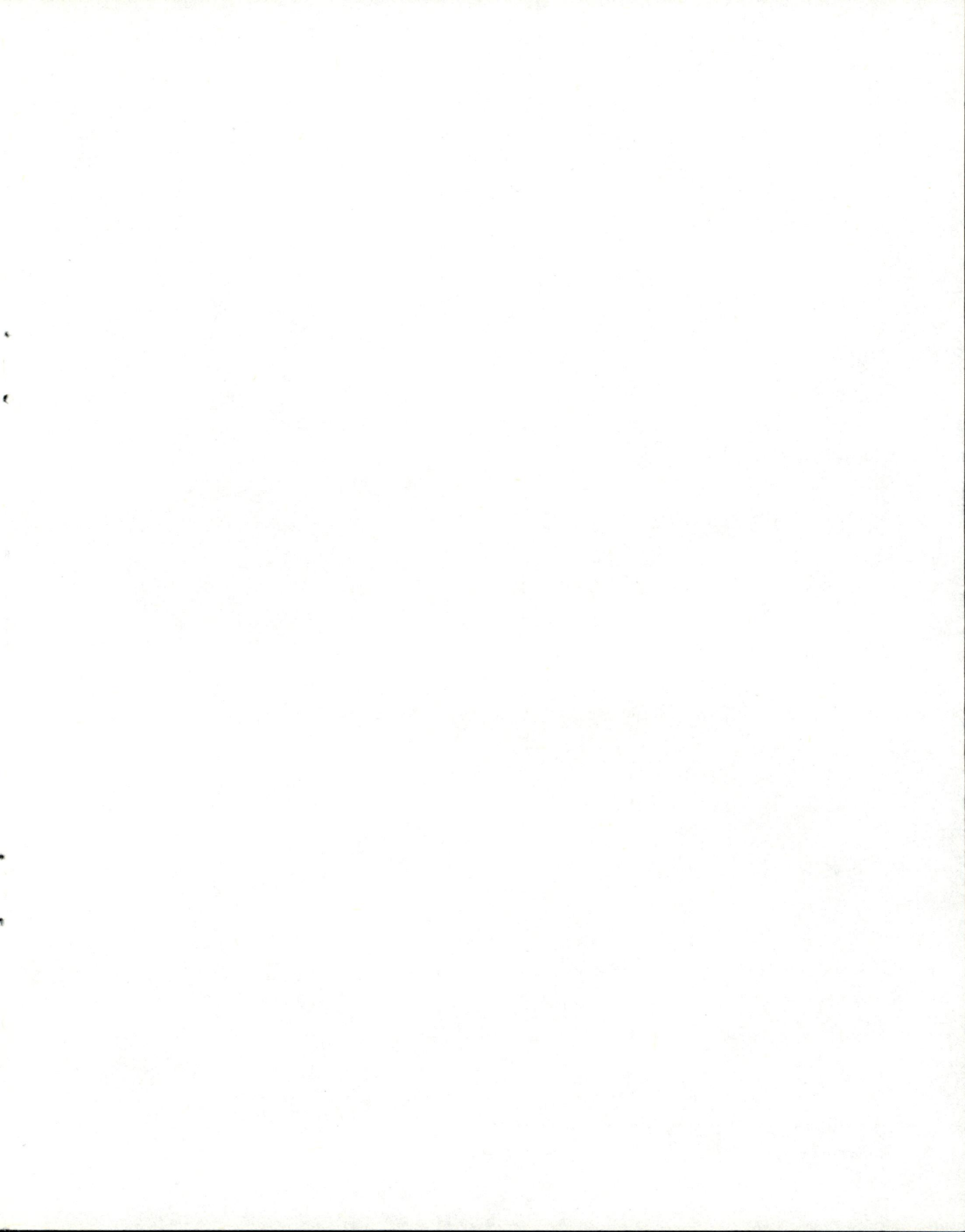
SCHEDULE 1—continued

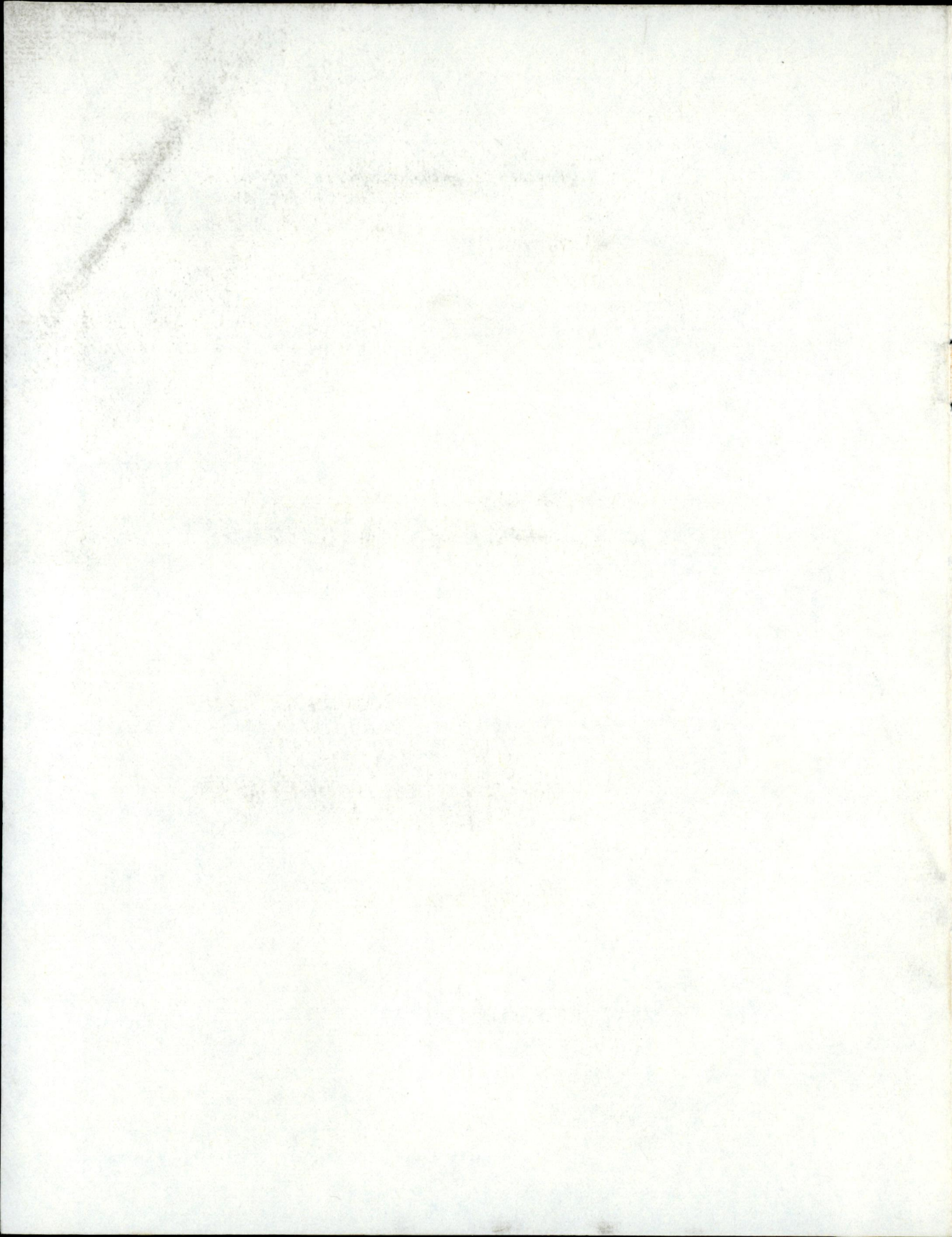
AMENDMENTS TO THE PRINCIPAL ACT—continued

(iii) land not subject to those provisions—
 the names and addresses of the
 owner and of any leasee of the land
 at the time of being the subject in
 respect of which the application is
 made and the dates and dates of
 registration under the Real Property
 Act 1987 of the names
 and addresses of the persons
 who have been registered as
 owners of the land.

(4) In subsection (2) (b), a reference to the
 provisions of the Real Property Act 1987
 shall include a reference to the
 provisions of the Real Property Act 1987
 that relate to the registration of
 interests in land.

(5) In subsection (2) (c), a reference to the
 provisions of the Real Property Act 1987
 shall include a reference to the
 provisions of the Real Property Act 1987
 that relate to the registration of
 interests in land.





LOCAL GOVERNMENT (REAL PROPERTY COMPUTER REGISTER) AMENDMENT BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Real Property (Computer Register) Amendment Bill, 1979.

The objects of this Bill are—

- (a) to amend the Local Government Act, 1919 ("the Principal Act") so as to facilitate the keeping in a computer of the whole or any part of the Register maintained under the Real Property Act, 1900 (Schedule 1 (1), (3) (a), (4), (5), (6), (7) (e) and (8));
 - (b) to provide that, where land and minerals therein have been resumed or appropriated under the Principal Act by a council, within the meaning of that Act, and an application has been made to bring that land under the provisions of the Real Property Act, 1900, the minerals may not be divested from the council in the manner presently provided, so that the minerals will not be prevented from being brought under those provisions pursuant to that application (Schedule 1 (7) (b));
 - (c) to vary the provisions of section 622 of the Principal Act relating to applications for and the furnishing and effect of a certificate of the Registrar-General stating certain particulars recorded in the Register kept under the Real Property Act, 1900, or in the General Register of Deeds maintained under the Registration of Deeds Act, 1897 (Schedule 1 (9)); and
 - (d) to make other provisions of a minor or ancillary nature.
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LOCAL GOVERNMENT (REAL PROPERTY COMPUTER
REGISTRATION) AMENDMENT BILL 1975

EXPLANATORY NOTE

(This Register of Real Property will be introduced into Parliament)

The Bill is intended to amend the Local Government (Real Property) Act 1975

Bill

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**LOCAL GOVERNMENT (REAL PROPERTY
COMPUTER REGISTER) AMENDMENT BILL, 1979**

No. , 1979.

A BILL FOR

An Act to amend the Local Government Act, 1919, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer, and for other purposes.

[MR CRABTREE—25 October, 1979.]

Local Government (Real Property Computer Register) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

5 **1.** This Act may be cited as the “Local Government (Real Property Computer Register) Amendment Act, 1979”. Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

 (2) Except as provided in subsection (1), this Act shall
10 commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

3. The Local Government Act, 1919, is referred to in this Act as the Principal Act. Principal
Act.

15 **4.** The Principal Act is amended in the manner set forth in Schedule 1. Amendment
of Act No.
41, 1919.

SCHEDULE 1.

Sec. 4.

AMENDMENTS TO THE PRINCIPAL ACT.

20 (1) Section 4, definition of “Subdivision”, “subdivide” and similar expressions—

 From paragraph (c), omit “issue of a certificate of title”, insert instead “creation of a folio of the Register kept”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (2) (a) Section 276C (6) (a)—
After “completed”, insert “and registrable”.
- 5 (b) Section 276C (7)—
After “subsection (4)”, insert “and, unless he has dispensed with its production, the certificate of title to which the transfer relates”.
- (3) (a) Section 327AA (1), definition of “plan of subdivision”—
- 10 (i) From paragraph (e), omit “a certificate of title has issued”, insert instead “a folio of the Register has been created”.
- (ii) From paragraph (g), omit “land.”, insert instead “land;”.
- 15 (b) Section 327AA (1), definition of “Register”—
After the definition of “plan of subdivision”, insert :—
“Register” means the Register kept under the Real Property Act, 1900.
- (c) Section 327AA (4) (a) (iii)—
- 20 Omit “certificate of title or Crown Grant”, insert instead “folio of the Register”.
- (d) Section 327AA (4) (b)—
Omit “certificate of title or Crown Grant”, insert instead “folio of the Register”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 327B—

5 Omit “Act, issue in the name of the council a certificate of title for each lot comprising the temporary road and shall enter thereon a caveat forbidding the registration of any dealings not consistent with the provisions of this Act relating to temporary roads.”, insert instead :—

Act—

- 10 (a) create a folio of the Register kept under the Real Property Act, 1900, for the estate or interest of the council in each lot comprised in the temporary road;
- 15 (b) record therein a caveat forbidding the registration of any dealings not consistent with the provisions of this Act relating to temporary roads; and
- (c) issue to the council a certificate of title for each such lot.

20 (5) Section 340c (2)—

Omit “issuing to the council a certificate of title under the provisions of the Real Property Act, 1900, for”, insert instead “creating a folio of the Register kept under the Real Property Act, 1900, for the estate or interest of the council in”.

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(6) (a) Section 340D (2)—

Omit “issue to the council a certificate of title for”, insert instead “create a folio of the Register kept under that Act for the estate or interest of the council in”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 340D (2)—

Omit “thereon”, insert instead “therein”.

5 (7) (a) Section 536AA (3)—

Omit “The council”, insert instead “Subject to subsection (3A), the council”.

(b) Section 536AA (3A)—

After section 536AA (3), insert :—

10 (3A) Where a resumption application relating to land resumed or appropriated under this Part has been lodged under section 31A (2) of the Real Property Act, 1900, with the Registrar-General—

15 (a) a notification under subsection (3) published in the Gazette after the commencement of this subsection may not divest from the council the minerals resumed or appropriated within that land; and

20 (b) any transfer of those minerals after that land has been brought under the provisions of the Real Property Act, 1900, shall, for the purposes of subsection (5), be deemed, upon its registration under that Act, to vest those minerals under this section in
25 the transferee.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—continued.

AMENDMENTS TO THE PRINCIPAL ACT—continued.

(c) Section 536AA (4), (4A)—

Omit section 536AA (4), insert instead :—

5 (4) Upon publication of a notification under subsection (3), the council shall, in respect of minerals vested under that subsection by the notification—

10 (a) where the minerals so vested are under the provisions of the Real Property Act, 1900, make a request under section 46C of that Act in relation to those minerals and furnish such of the evidence required in connection therewith as may be in its possession or under its control; or

15 (b) where the minerals so vested are not under the provisions of the Real Property Act, 1900, forward a copy of the notification of the vesting to the Registrar-General who shall, upon receipt thereof, cause a memorandum of the vesting of those minerals to be prepared and registered in the General Register of Deeds kept under the Registration of Deeds Act, 1897, and, for the purposes of that Act, that memorandum shall be deemed to be a registration copy of an instrument duly registered under that Act.

20 (4A) A request made by the council in compliance with subsection (4) (a) shall be deemed to have been made by the person entitled so to do under section 46C of the Real Property Act, 1900.

25 (d) Section 536AA (6)—

30 Omit “affecting”, insert instead “effecting”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.**

(e) Section 536AA (7)—

Omit the subsection, insert instead :—

5 **(7) Without limiting the discretion conferred**
upon the Registrar-General by section 46C of the Real
Property Act, 1900, the Registrar-General shall not,
when creating a folio of the Register kept under that
Act or making recordings in that Register in respect
10 of minerals pursuant to a request made under sub-
section (4) (a), be required to make any recordings
in that Register, other than—

15 (a) such recordings as may, in his opinion, be
necessary with respect to the vesting of the
minerals in the person and for the estate
specified, in the notification of the vesting
of those minerals, as the person in whom,
and the estate for which, they were
thereby vested; and

20 (b) any recordings relating to the land des-
cribed in the notification, being recordings
that appeared in that Register immediately
before the resumption or appropriation of
that land, other than recordings relating
25 only to estates or interests excepted in the
notification.

(8) (a) Section 604 (3), proviso—

30 From paragraph (a), omit “entries notifications and
cancellations in the register-book as”, insert instead
“recordings in the Register kept under that Act,
create or cancel such folios of that Register and issue
such certificates of title as, in his opinion,”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 604 (3), proviso—

5 From paragraph (b), omit “notified on the folium of the register-book constituted by the Crown grant or certificate of title”, insert instead “recorded in the relevant folio of that Register”.

(c) Section 604 (3), proviso—

From paragraph (b), omit “and so notified”.

10 (d) Section 604 (3), proviso—

From paragraph (b), omit “entries or notifications of”, insert instead “recordings with respect to”.

(e) Section 604 (3), proviso—

15 From paragraph (b), omit “notify on the folium of the register-book from time to time constituted by the Crown grant or certificate of title”, insert instead “record in the relevant folio of that Register”.

(f) Section 604 (3), proviso—

Omit paragraph (c).

20 (g) Section 604 (3), proviso—

In paragraph (e), after “effect”, insert “, other than any transfer by the council which shall be in the form approved under the Real Property Act, 1900, by the Registrar-General.”.

25 (h) Section 604 (3), proviso—

From paragraph (f), omit “entry, notification, or cancellation or”, insert instead “recording or for”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(i) Section 604 (3), proviso—

5 From paragraph (f), omit “Conveyancing Acts, 1919–1943”, insert instead “Real Property Act, 1900”.

(9) (a) Section 622 (1) (a)—

After “Act”, insert “is prima facie evidence that the person is the owner or lessee of the land”.

10 (b) Section 622 (1) (b)—

Omit the paragraph, insert instead :—

(b) a certificate furnished by the Registrar-General under subsection (2) with respect to any land is prima facie evidence—

15 (i) that the person described in the certificate as the proprietor or owner of the land was the owner of that land; and

20 (ii) that the person, if any, so described as the lessee of the land was the lessee of that land,

at the time or during the period specified in the certificate pursuant to subsection (2) (d) (i) or (ii), as the case may be.

25 (c) Section 622 (1)—

Omit “shall be prima facie evidence that such person is owner or lessee, as the case may be, of the land.”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 622 (2)—

Omit the subsection, insert instead :—

5 (2) Where—

(a) written application with respect to any land has been made to the Registrar-General pursuant to this subsection by the town or shire clerk of a council; and

10 (b) he has been paid the prescribed fee,

the Registrar-General shall furnish to the council a certificate setting forth such of the following particulars as are recorded in the Register kept under the Real Property Act, 1900, or in the General Register of Deeds maintained under the Registration of Deeds Act, 1897, as the case may be, and that he is able to ascertain from the information about the land furnished in the application :—

(c) the situation and a description of the land;

20 (d) in the case of—

(i) land subject to the provisions of the Real Property Act, 1900—the names and addresses of the person registered under that Act as the proprietor of, and any person so registered as a lessee of, the land at the time or during the period in respect of which the application is made and the dates of registration of the instruments under which they became so registered; or

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Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- 5 (ii) land not subject to those provisions
—the names and addresses of the
owner and of any lessee of the land
at the time or during the period in
respect of which the application is
made and the dates and dates of
10 registration under the Registration
of Deeds Act, 1897, of the instru-
ments kept in the General Register
of Deeds maintained under that
Act under which the owner or
lessee became the owner or lessee,
15 as the case may be, of the land.

(e) Section 622 (4)—

After section 622 (3), insert :—

- 20 (4) In subsection (2) (b), a reference to the
prescribed fee is, in relation to an application made
under that paragraph—
- (a) with respect to land subject to the pro-
visions of the Real Property Act, 1900—
a reference to the fee prescribed under that
Act for the purposes of that paragraph; or
- 25 (b) with respect to land that is not subject to
the provisions of that Act—a reference to
the fee prescribed under the Conveyancing
Act, 1919, for the purposes of that
paragraph.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES, 1979

MEMORANDUM FOR THE RECORD

On 12/15/47, the Board of Directors met and discussed the proposed merger of the company with the American Telephone and Telegraph Company. The Board has approved the merger and the company is now in the process of being acquired.

The merger will result in the company becoming a subsidiary of AT&T. This will provide the company with the financial strength and resources of AT&T, which will enable it to expand its operations and improve its service to its customers.

The Board has also approved the terms of the merger, which provide for the payment of cash to the shareholders of the company. The merger is expected to be completed by the end of the year.

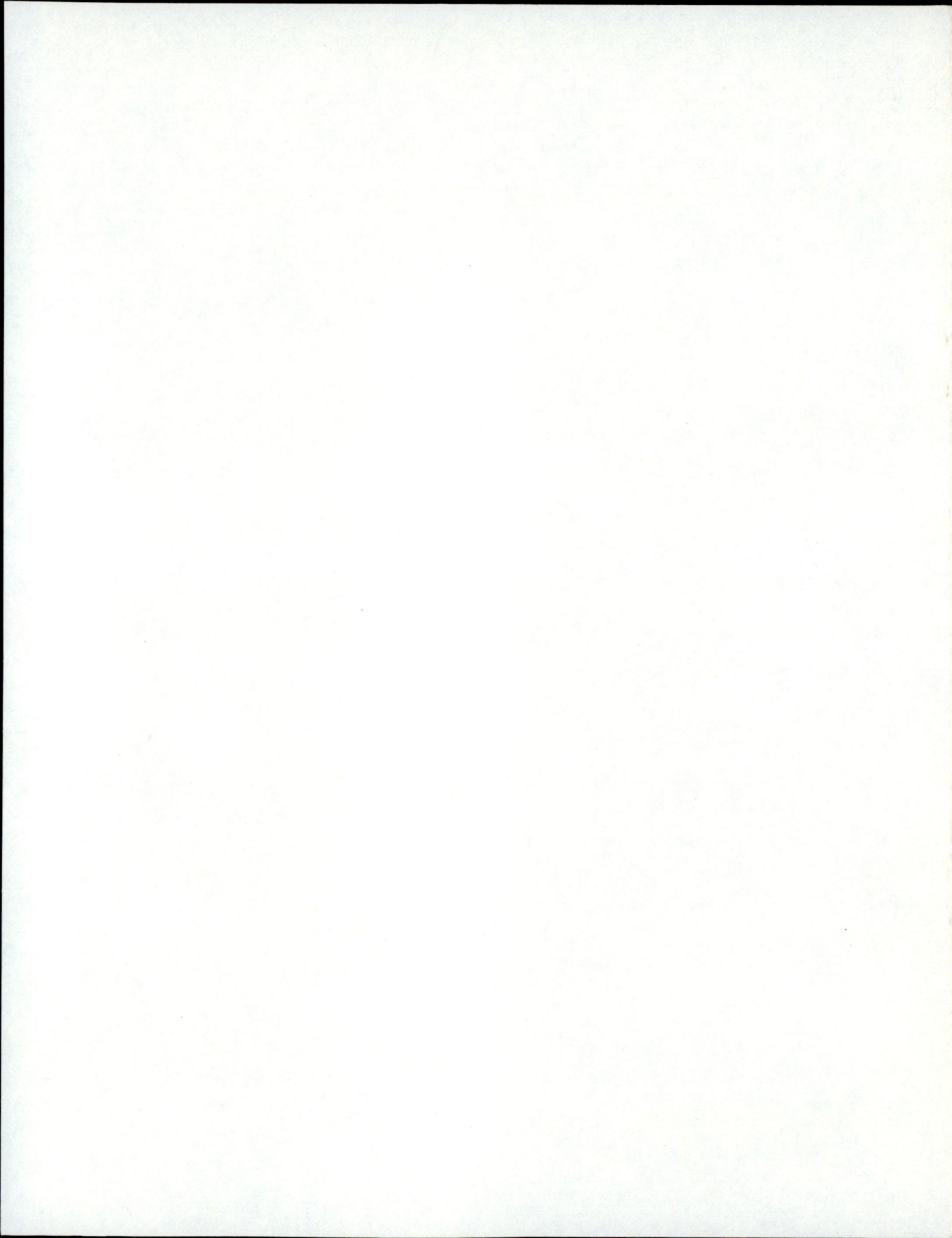
Very truly yours,
[Signature]

WILLIAM W. WALKER, Chairman of the Board

(The Board of Directors of the company is hereby authorized to execute this memorandum.)

WALKER TELEPHONE COMPANY

WALKER TELEPHONE COMPANY
1000 BROADWAY, NEW YORK, N.Y.



**LOCAL GOVERNMENT (REAL PROPERTY COM-
PUTER REGISTER) AMENDMENT ACT, 1979, No. 172**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 172, 1979.

An Act to amend the Local Government Act, 1919, so as to facilitate the keeping of the Register maintained under the Real Property Act, 1900, in a computer, and for other purposes. [Assented to, 14th December, 1979.]

Local Government (Real Property Computer Register) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

Short title. **1.** This Act may be cited as the "Local Government (Real Property Computer Register) Amendment Act, 1979".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on the day appointed and notified pursuant to section 2 (2) of the Real Property (Computer Register) Amendment Act, 1979.

Principal
Act. **3.** The Local Government Act, 1919, is referred to in this Act as the Principal Act.

Amendment
of Act No.
41, 1919. **4.** The Principal Act is amended in the manner set forth in Schedule 1.

Sec. 4.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 4, definition of "Subdivision", "subdivide" and similar expressions—

From paragraph (c), omit "issue of a certificate of title", insert instead "creation of a folio of the Register kept".

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(2) (a) Section 276C (6) (a)—

After “completed”, insert “and registrable”.

(b) Section 276C (7)—

After “subsection (4)”, insert “and, unless he has dispensed with its production, the certificate of title to which the transfer relates”.

(3) (a) Section 327AA (1), definition of “plan of subdivision”—

(i) From paragraph (e), omit “a certificate of title has issued”, insert instead “a folio of the Register has been created”.

(ii) From paragraph (g), omit “land.”, insert instead “land;”.

(b) Section 327AA (1), definition of “Register”—

After the definition of “plan of subdivision”, insert :—

“Register” means the Register kept under the Real Property Act, 1900.

(c) Section 327AA (4) (a) (iii)—

Omit “certificate of title or Crown Grant”, insert instead “folio of the Register”.

(d) Section 327AA (4) (b)—

Omit “certificate of title or Crown Grant”, insert instead “folio of the Register”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(4) Section 327B—

Omit “Act, issue in the name of the council a certificate of title for each lot comprising the temporary road and shall enter thereon a caveat forbidding the registration of any dealings not consistent with the provisions of this Act relating to temporary roads.”, insert instead :—

Act—

- (a) create a folio of the Register kept under the Real Property Act, 1900, for the estate or interest of the council in each lot comprised in the temporary road;
- (b) record therein a caveat forbidding the registration of any dealings not consistent with the provisions of this Act relating to temporary roads; and
- (c) issue to the council a certificate of title for each such lot.

(5) Section 340c (2)—

Omit “issuing to the council a certificate of title under the provisions of the Real Property Act, 1900, for”, insert instead “creating a folio of the Register kept under the Real Property Act, 1900, for the estate or interest of the council in”.

(6) (a) Section 340D (2)—

Omit “issue to the council a certificate of title for”, insert instead “create a folio of the Register kept under that Act for the estate or interest of the council in”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 340D (2)—

Omit “thereon”, insert instead “therein”.

(7) (a) Section 536AA (3)—

Omit “The council”, insert instead “Subject to subsection (3A), the council”.

(b) Section 536AA (3A)—

After section 536AA (3), insert :—

(3A) Where a resumption application relating to land resumed or appropriated under this Part has been lodged under section 31A (2) of the Real Property Act, 1900, with the Registrar-General—

- (a) a notification under subsection (3) published in the Gazette after the commencement of this subsection may not divest from the council the minerals resumed or appropriated within that land; and
- (b) any transfer of those minerals after that land has been brought under the provisions of the Real Property Act, 1900, shall, for the purposes of subsection (5), be deemed, upon its registration under that Act, to vest those minerals under this section in the transferee.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—continued.**AMENDMENTS TO THE PRINCIPAL ACT—continued.****(c) Section 536AA (4), (4A)—**

Omit section 536AA (4), insert instead :—

(4) Upon publication of a notification under subsection (3), the council shall, in respect of minerals vested under that subsection by the notification—

- (a) where the minerals so vested are under the provisions of the Real Property Act, 1900, make a request under section 46C of that Act in relation to those minerals and furnish such of the evidence required in connection therewith as may be in its possession or under its control; or
- (b) where the minerals so vested are not under the provisions of the Real Property Act, 1900, forward a copy of the notification of the vesting to the Registrar-General who shall, upon receipt thereof, cause a memorandum of the vesting of those minerals to be prepared and registered in the General Register of Deeds kept under the Registration of Deeds Act, 1897, and, for the purposes of that Act, that memorandum shall be deemed to be a registration copy of an instrument duly registered under that Act.

(4A) A request made by the council in compliance with subsection (4) (a) shall be deemed to have been made by the person entitled so to do under section 46C of the Real Property Act, 1900.

(d) Section 536AA (6)—

Omit “affecting”, insert instead “effecting”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(e) Section 536AA (7)—

Omit the subsection, insert instead :—

(7) Without limiting the discretion conferred upon the Registrar-General by section 46C of the Real Property Act, 1900, the Registrar-General shall not, when creating a folio of the Register kept under that Act or making recordings in that Register in respect of minerals pursuant to a request made under subsection (4) (a), be required to make any recordings in that Register, other than—

- (a) such recordings as may, in his opinion, be necessary with respect to the vesting of the minerals in the person and for the estate specified, in the notification of the vesting of those minerals, as the person in whom, and the estate for which, they were thereby vested; and
- (b) any recordings relating to the land described in the notification, being recordings that appeared in that Register immediately before the resumption or appropriation of that land, other than recordings relating only to estates or interests excepted in the notification.

(8) (a) Section 604 (3), proviso—

From paragraph (a), omit “entries notifications and cancellations in the register-book as”, insert instead “recordings in the Register kept under that Act, create or cancel such folios of that Register and issue such certificates of title as, in his opinion,”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(b) Section 604 (3), proviso—

From paragraph (b), omit “notified on the folium of the register-book constituted by the Crown grant or certificate of title”, insert instead “recorded in the relevant folio of that Register”.

(c) Section 604 (3), proviso—

From paragraph (b), omit “and so notified”.

(d) Section 604 (3), proviso—

From paragraph (b), omit “entries or notifications of”, insert instead “recordings with respect to”.

(e) Section 604 (3), proviso—

From paragraph (b), omit “notify on the folium of the register-book from time to time constituted by the Crown grant or certificate of title”, insert instead “record in the relevant folio of that Register”.

(f) Section 604 (3), proviso—

Omit paragraph (c).

(g) Section 604 (3), proviso—

In paragraph (e), after “effect”, insert “, other than any transfer by the council which shall be in the form approved under the Real Property Act, 1900, by the Registrar-General.”.

(h) Section 604 (3), proviso—

From paragraph (f), omit “entry, notification, or cancellation or”, insert instead “recording or for”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(i) Section 604 (3), proviso—

From paragraph (f), omit “Conveyancing Acts, 1919–1943”, insert instead “Real Property Act, 1900”.

(9) (a) Section 622 (1) (a)—

After “Act”, insert “is prima facie evidence that the person is the owner or lessee of the land”.

(b) Section 622 (1) (b)—

Omit the paragraph, insert instead :—

(b) a certificate furnished by the Registrar-General under subsection (2) with respect to any land is prima facie evidence—

(i) that the person described in the certificate as the proprietor or owner of the land was the owner of that land; and

(ii) that the person, if any, so described as the lessee of the land was the lessee of that land,

at the time or during the period specified in the certificate pursuant to subsection (2) (d) (i) or (ii), as the case may be.

(c) Section 622 (1)—

Omit “shall be prima facie evidence that such person is owner or lessee, as the case may be, of the land.”.

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(d) Section 622 (2)—

Omit the subsection, insert instead :—

(2) Where—

(a) written application with respect to any land has been made to the Registrar-General pursuant to this subsection by the town or shire clerk of a council; and

(b) he has been paid the prescribed fee,

the Registrar-General shall furnish to the council a certificate setting forth such of the following particulars as are recorded in the Register kept under the Real Property Act, 1900, or in the General Register of Deeds maintained under the Registration of Deeds Act, 1897, as the case may be, and that he is able to ascertain from the information about the land furnished in the application :—

(c) the situation and a description of the land;

(d) in the case of—

(i) land subject to the provisions of the Real Property Act, 1900—the names and addresses of the person registered under that Act as the proprietor of, and any person so registered as a lessee of, the land at the time or during the period in respect of which the application is made and the dates of registration of the instruments under which they became so registered; or

Local Government (Real Property Computer Register) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

- (ii) land not subject to those provisions—the names and addresses of the owner and of any lessee of the land at the time or during the period in respect of which the application is made and the dates and dates of registration under the Registration of Deeds Act, 1897, of the instruments kept in the General Register of Deeds maintained under that Act under which the owner or lessee became the owner or lessee, as the case may be, of the land.

(e) Section 622 (4)—

After section 622 (3), insert :—

(4) In subsection (2) (b), a reference to the prescribed fee is, in relation to an application made under that paragraph—

- (a) with respect to land subject to the provisions of the Real Property Act, 1900—a reference to the fee prescribed under that Act for the purposes of that paragraph; or
- (b) with respect to land that is not subject to the provisions of that Act—a reference to the fee prescribed under the Conveyancing Act, 1919, for the purposes of that paragraph.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

*Government House,
Sydney, 14th December, 1979.*

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