

CONVEYANCING LEGISLATION (NOTICE OF SALE)

AMENDMENT BILL 1992

LEGISLATIVE COUNCIL

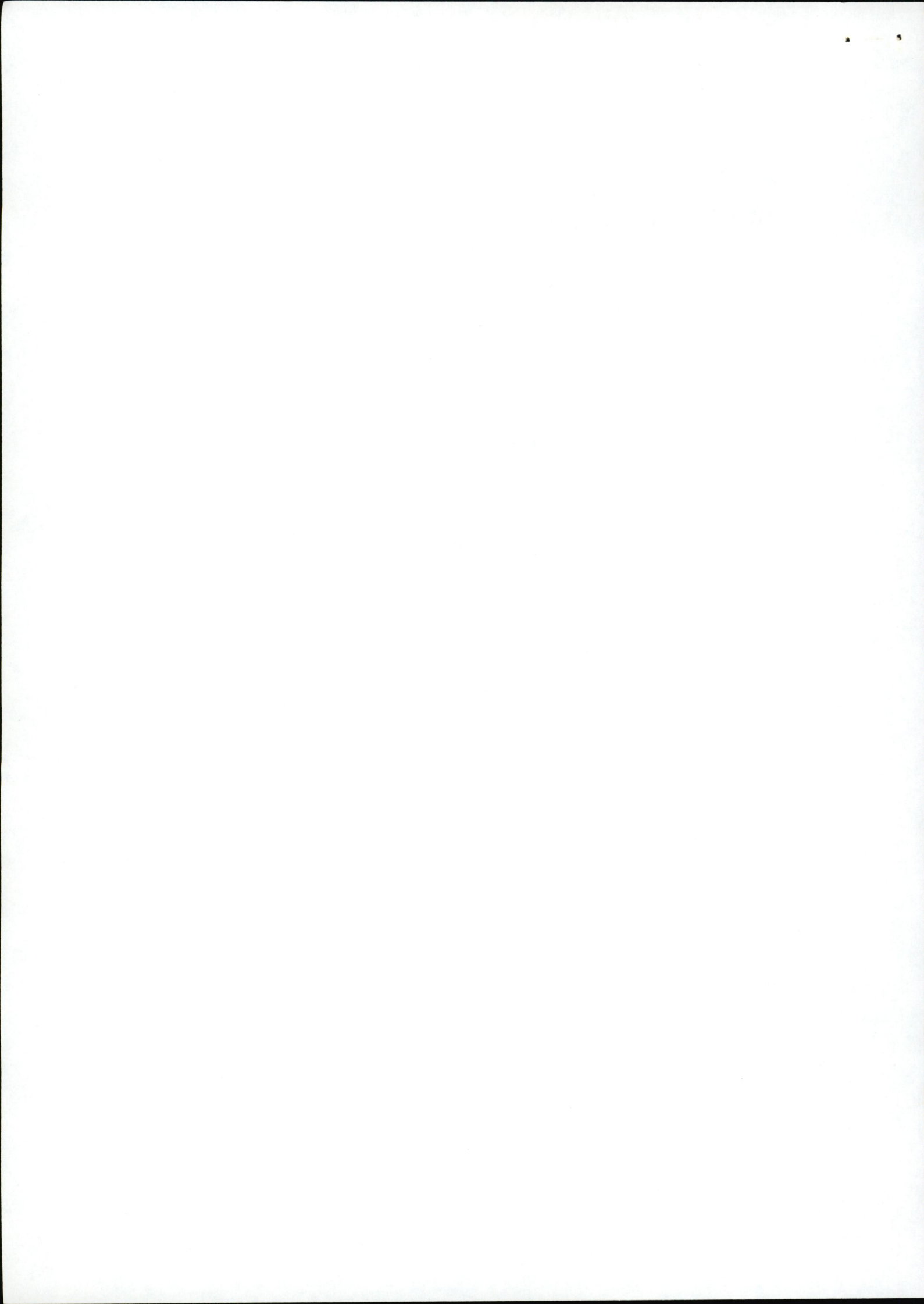
SECOND READING

THE HON. R.J. WEBSTER, M.L.C.,

MINISTER FOR PLANNING, AND MINISTER FOR HOUSING

I MOVE:

THAT THIS BILL BE NOW READ A SECOND TIME.



AFTER THE SALE OF REAL ESTATE HAS BEEN COMPLETED BOTH THE VENDOR AND THE PURCHASER ARE CURRENTLY OBLIGED BY VARIOUS ACTS AND REGULATIONS TO SEND A DOCUMENT KNOWN AS A "NOTICE OF SALE" TO THE LOCAL COUNCIL, THE VALUER-GENERAL, THE LOCAL WATER SUPPLY AUTHORITY AND, IN RESPECT OF CERTAIN RURAL LANDHOLDINGS, TO THE LOCAL RURAL LANDS PROTECTION BOARD.

THE NOTICE OF SALE CONTAINS DETAILS OF THE TRANSACTION SUCH AS THE NAMES OF THE PARTIES; THE NEW OWNER'S ADDRESS FOR SERVICE OF NOTICES; THE PURCHASE PRICE; THE DATE OF THE TRANSFER; AND THE ADDRESS AND TITLE DETAILS OF THE PROPERTY.

THE ORGANISATIONS THAT RECEIVE THE INFORMATION PRIMARILY USE IT TO UPDATE THEIR RECORDS AND TO ENABLE VALUATION AND RATE NOTICES TO BE ISSUED AGAINST THE NEW OWNER AT THE OWNER'S CORRECT ADDRESS.

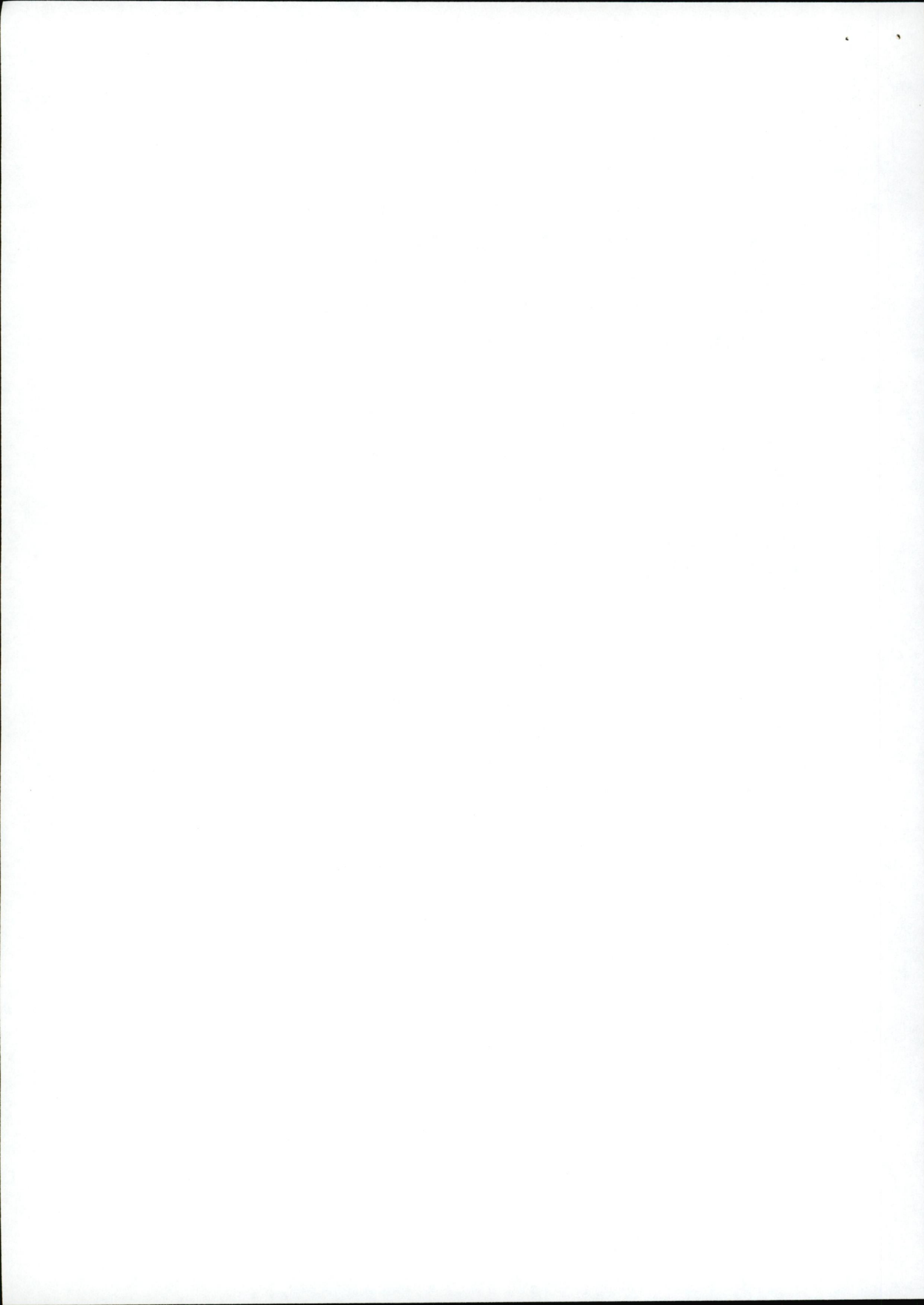
THE PRESENT SYSTEM IS INEFFICIENT AS IT NECESSITATES DUPLICATION OF FORM HANDLING AND DATA ENTRY BY EACH OF THE RECEIVING ORGANISATIONS, AND REQUIRES BOTH PARTIES TO A SALE OF REAL ESTATE TO SEND EXACTLY THE SAME INFORMATION TO EXACTLY THE SAME BODIES.



NOTICES OF SALE ARE OFTEN NOT SENT UNTIL SOME WEEKS AFTER COMPLETION OF THE TRANSACTION, AND IN SOME INSTANCES ARE NOT SENT AT ALL. THIS CAN RESULT IN THE FORMER OWNER BEING WRONGLY RECORDED AS THE OWNER OF THE PROPERTY IN QUESTION.

THE LEGISLATION BEFORE US ADDRESSES THESE PROBLEMS AND PROVIDES FOR A NEW NOTICE OF SALE SYSTEM UTILISING MODERN INFORMATION SYSTEMS WHICH WILL END THE WASTE AND DUPLICATION OF THE PRESENT SYSTEM.

THE NEW SYSTEM WILL OPERATE BY REQUIRING THE PURCHASER TO LODGE A NEW FORM OF NOTICE OF SALE AT THE LAND TITLES OFFICE AT THE SAME TIME THAT THE PURCHASER LODGES WITH THAT OFFICE THE DOCUMENT OF TRANSFER TRANSFERRING OWNERSHIP OF THE SUBJECT PROPERTY.

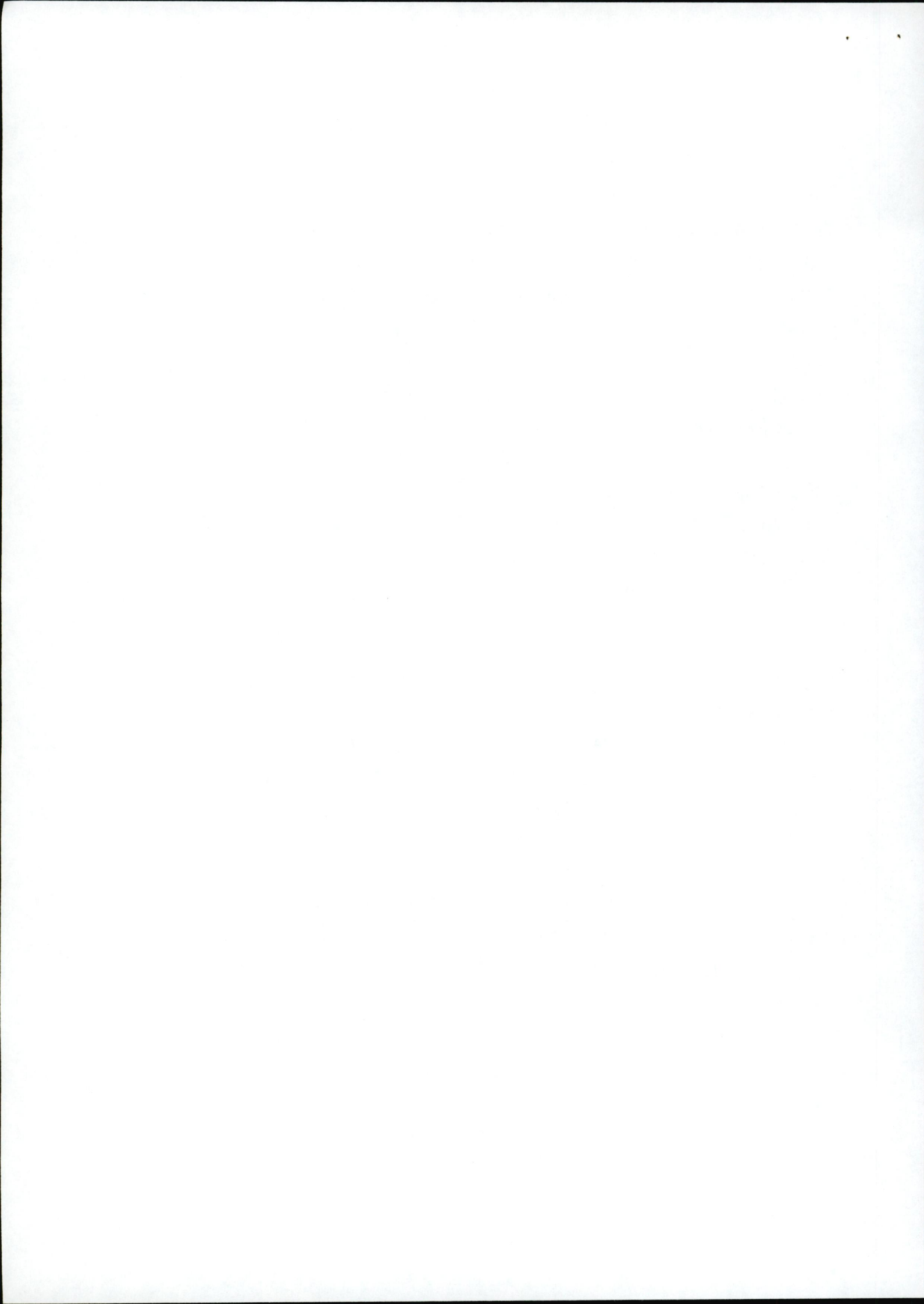


THE INFORMATION CONTAINED IN THE NOTICE OF SALE WILL BE MERGED WITH OTHER INFORMATION ABOUT THE PROPERTY ALREADY RESIDING IN THE LAND TITLES OFFICE. THE MERGED INFORMATION WILL THEN BE FORWARDED TO THE STATE LAND INFORMATION SYSTEM WHICH WILL AUTOMATICALLY DISTRIBUTE THE INFORMATION TO THE ORGANISATIONS THAT REQUIRE IT.

BECAUSE SOME OF THE INFORMATION THAT HAD TO BE PROVIDED IN THE OLD FORM OF NOTICE OF SALE IS ALREADY AVAILABLE TO THE LAND TITLES OFFICE, THE NEW FORM OF NOTICE OF SALE REQUIRES THE PROVISION OF LESS INFORMATION.

THE NEW FORM HAS BEEN DISCUSSED WITH THE PRIVACY COMMITTEE AND, AT ITS SUGGESTION, DISCLOSURE HAS BEEN MADE ON THE BACK OF THE FORM THAT THE INFORMATION IN IT WILL ONLY BE USED BY GOVERNMENT ORGANISATIONS TO UPDATE THEIR RECORDS, FORWARD RATE NOTICES, AND CONDUCT THEIR USUAL BUSINESS.

THE STATE LAND INFORMATION SYSTEM THAT I HAVE PREVIOUSLY REFERRED TO IS A SOPHISTICATED COMPUTER SYSTEM THAT LINKS AND INTEGRATES LAND RELATED DATA.



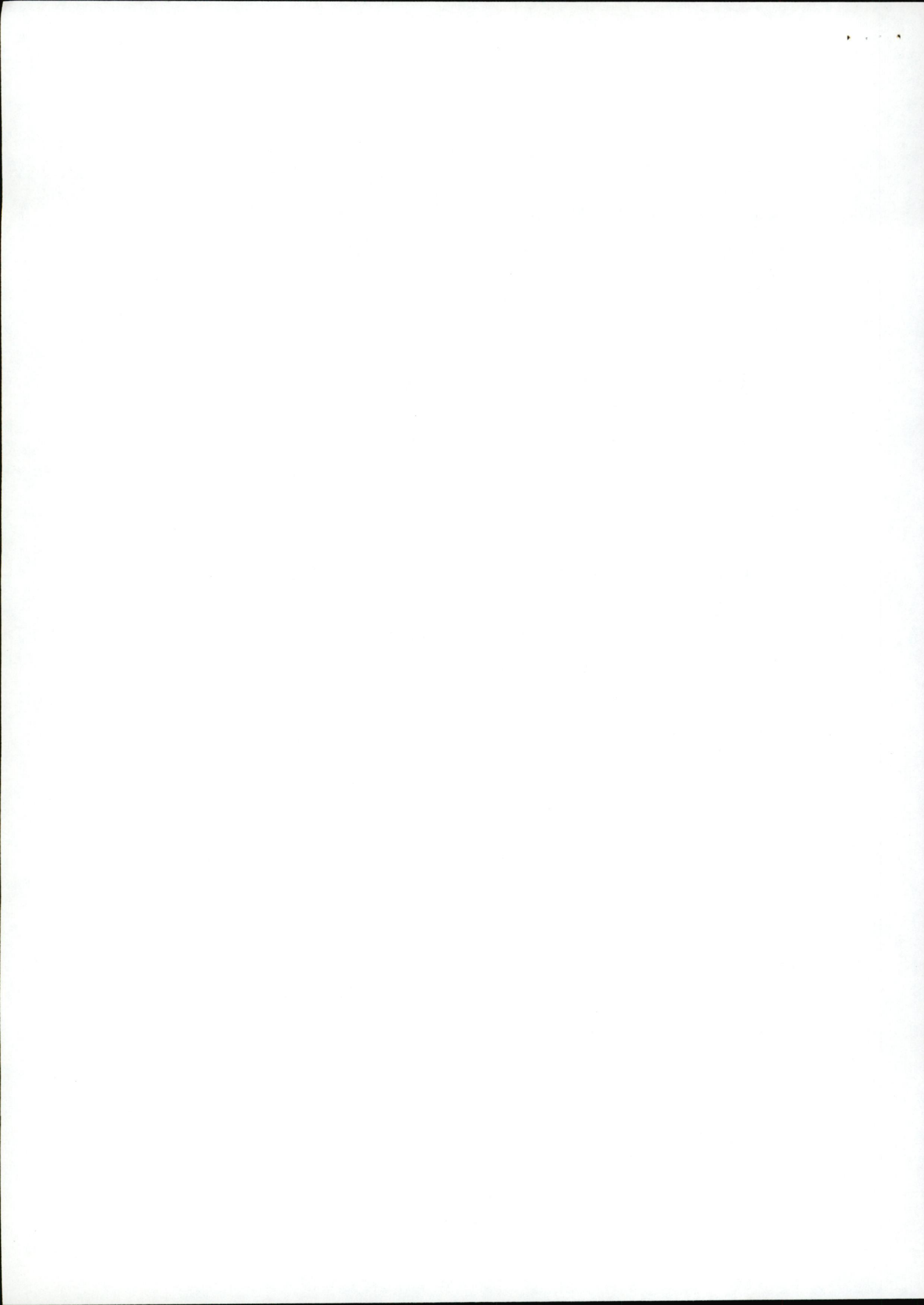


IT IS ADMINISTERED BY THE STATE LAND INFORMATION COUNCIL WHICH IS COMPRISED OF REPRESENTATIVES OF VARIOUS GOVERNMENT DEPARTMENTS AND THE LOCAL GOVERNMENT AND SHIRES ASSOCIATIONS.

THE CURRENT PROJECT IS BUT ONE OF MANY THAT THE STATE LAND INFORMATION COUNCIL WILL INTRODUCE TO INTEGRATE LAND RELATED DATA HELD BY GOVERNMENT AGENCIES, AND TO ELIMINATE DUPLICATION AND WASTE OF RESOURCES BY THESE BODIES.

UNDER THE NEW SYSTEM VENDORS WILL NO LONGER BE REQUIRED TO FORWARD A NOTICE OF SALE. THE NEW SYSTEM ALSO SIMPLIFIES PROCEDURES FOR THE PURCHASER BY ENABLING ONE NOTICE OF SALE TO BE COMPLETED AND LODGED AT ONE PLACE, RATHER THAN SEVERAL NOTICES OF SALE NEEDING TO BE PREPARED AND LODGED AT SEVERAL PLACES.

THE ORGANISATIONS THAT CURRENTLY DIRECTLY RECEIVE NOTICES OF SALE WILL BENEFIT BECAUSE THEY WILL BE ASSURED OF RECEIVING THE INFORMATION EVERY TIME OWNERSHIP OF A PROPERTY CHANGES; THE INFORMATION WILL BE RECEIVED EARLIER THAN BEFORE; AND IT WILL BE CONSISTENT WITH INFORMATION RECEIVED BY OTHER RELEVANT ORGANISATIONS.



THERE ARE SOME RARE CLASSES OF CROWN LANDHOLDING SUCH AS PERMISSIVE OCCUPANCIES WHERE A CHANGE OF OWNERSHIP WILL NOT REQUIRE THE LODGING OF A DOCUMENT AT THE LAND TITLES OFFICE. IN THESE CASES NOTICES OF SALE WILL STILL BE REQUIRED TO BE LODGED DIRECTLY WITH THE RELEVANT GOVERNMENT ORGANISATIONS.

THIS LEGISLATION IS ANOTHER EXAMPLE OF THE GOVERNMENT'S COMMITMENT TO SIMPLIFYING CONVEYANCING PROCEDURES IN THIS STATE. IT ALSO ILLUSTRATES HOW THE LAND INFORMATION SYSTEMS THAT THE GOVERNMENT IS DEVELOPING CAN BE USED FOR THE BENEFIT OF STATE AND LOCAL GOVERNMENT, AND THE CONVEYANCING PUBLIC.

I COMMEND THE BILL.



FIRST PRINT

**CONVEYANCING LEGISLATION (NOTICE OF SALE)  
AMENDMENT BILL 1992**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The State Land Information Council is a government agency formed to design and develop the State Land Information System. The System is a computer system intended to provide access to, and maintenance of, land-related information from all government sources in New South Wales.

After settlement of a conveyancing transaction the vendor and purchaser (or transferor and transferee) are required to give notice to various bodies (such as councils and water supply authorities) of the change in ownership of the land. In order to streamline those notice requirements, the purchaser or transferee will be able to give notice to the Registrar-General when registering the instrument effecting the change in ownership of the land. The State Land Information System will be used to distribute the information in the notice to the relevant government agencies.

The object of this Bill is to amend certain legislation to enable a single notice to be given when a change of ownership of land takes place instead of a number of notices at present required to be given to different authorities.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Clause 3 is a formal provision that gives effect to Schedule 1 containing amendments to the Conveyancing Act 1919 and the Real Property Act 1900.

Clause 4 is a formal provision that gives effect to Schedule 2 containing amendments to other Acts.

Clause 5 is a formal provision that gives effect to Schedule 3 containing amendments to regulations.

*Conveyancing Legislation (Notice of Sale) Amendment 1992*

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Clause 6 contains savings and transitional provisions to the effect that:

- An amendment made to the Conveyancing Act 1919 or the Real Property Act 1900 by Schedule 1 applies to instruments lodged with the Registrar-General for registration after the commencement of the amendment.
- The amendments in Schedule 3 to regulations do not prevent the subsequent repeal or amendment of those regulations.

**SCHEDULE 1—AMENDMENT OF CONVEYANCING ACT 1919 AND  
REAL PROPERTY ACT 1900**

**Conveyancing Act 1919**

The amendment to the Conveyancing Act 1919 enables the Registrar-General to refuse to register in the General Register of Deeds an instrument vesting an estate or interest in land if the instrument is not accompanied by a notice of sale or transfer of land.

**Real Property Act 1900**

The amendment to the Real Property Act 1900 enables the Registrar-General to refuse to register under that Act a dealing transferring or otherwise affecting an estate or interest in land or an application to effect a change in the name of a registered proprietor if the dealing or application is not accompanied by a notice of sale or transfer of land.

**SCHEDULE 2—AMENDMENT OF OTHER ACTS**

Schedule 2 amends the Local Government Act 1919 and the Valuation of Land Act 1916 to ensure that requirements under those Acts to notify various bodies of changes in the ownership or occupancy of land will be satisfied when a notice of the sale or transfer of land is lodged with the Registrar-General under the Conveyancing Act 1919 or the Real Property Act 1900 within 1 month of the sale or transfer.

The Rural Lands Protection Act 1989 is amended to provide that the requirement for a notice to be lodged with a rural lands protection board on a change of ownership of land in the board's district is to be treated as being satisfied if a notice of sale or transfer is lodged with the Registrar-General under the Conveyancing Act 1919 or the Real Property Act 1900 within 1 month of the change in the ownership.

**SCHEDULE 3—AMENDMENT OF REGULATIONS**

Schedule 3 makes amendments to the Water Board (Finance) Regulation 1988 and the Water Supply Authorities (Finance) Regulation 1987 to ensure that requirements under those regulations to notify the Water Board or a water supply authority of changes in the ownership or occupancy of land will be treated as being satisfied when a notice of the sale or transfer of land is lodged with the Registrar-General under the Conveyancing Act 1919 or the Real Property Act 1900 within 1 month of the sale or transfer.

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FIRST PRINT

**CONVEYANCING LEGISLATION (NOTICE OF SALE)  
AMENDMENT BILL 1992**

NEW SOUTH WALES



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Conveyancing Act 1919 No. 6 and Real Property Act 1900 No. 25
4. Amendment of other Acts
5. Amendment of regulations
6. Savings and transitional provisions

**SCHEDULE 1—AMENDMENT OF CONVEYANCING ACT 1919 AND REAL  
PROPERTY ACT 1900**

**SCHEDULE 2—AMENDMENT OF OTHER ACTS**

**SCHEDULE 3—AMENDMENT OF REGULATIONS**

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**CONVEYANCING LEGISLATION (NOTICE OF SALE)  
AMENDMENT BILL 1992**

NEW SOUTH WALES



No. , 1992

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**A BILL FOR**

An Act to amend the Conveyancing Act 1919 and the Real Property Act 1900 in relation to notices of the sale or transfer of land; to make related amendments to other Acts and to regulations; and for other purposes.

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*Conveyancing Legislation (Notice of Sale) Amendment 1992*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Conveyancing Legislation (Notice of Sale) Amendment Act 1992.

**5 Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Conveyancing Act 1919 No. 6 and Real Property Act 1900 No. 25**

10 3. The Conveyancing Act 1919 and the Real Property Act 1900 are amended as set out in Schedule 1.

**Amendment of other Acts**

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

**Amendment of regulations**

15 5. Each regulation specified in Schedule 3 is amended as set out in that Schedule.

**Savings and transitional provisions**

20 6. (1) An amendment made by Schedule 1 to the Conveyancing Act 1919 and the Real Property Act 1900 applies to instruments lodged with the Registrar-General for registration after the commencement of the amendment.

(2) The amendments made by Schedule 3 to the regulations specified in that Schedule do not affect the future amendment or repeal of those regulations.

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*Conveyancing Legislation (Notice of Sale) Amendment 1992*

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**SCHEDULE 1—AMENDMENT OF CONVEYANCING ACT  
1919 AND REAL PROPERTY ACT 1900**

(Sec. 3)

**Conveyancing Act 1919 No. 6**

Section 184E (**Method of registration**): 5

After section 184E (4), insert:

(4A) If an instrument purports to vest an estate or interest in land, or to effect a change in the name of a person in whom an estate or interest in land is vested, the Registrar-General may: 10

- (a) refuse to accept the instrument for registration in the General Register of Deeds; or
- (b) refuse to register the instrument in the General Register of Deeds; or
- (c) reject the instrument if it is lodged for registration in the General Register of Deeds, 15

if the instrument is not accompanied by a fully completed notice in the approved form.

**Real Property Act 1900 No. 25**

Section 39 (**Dealings not to be registered unless in accordance with approved forms**): 20

After section 39 (1A), insert:

(1B) The Registrar-General may:

- (a) refuse to accept for registration:
  - (i) a dealing purporting to transfer or otherwise to deal with or affect any estate or interest in land under the provisions of this Act; or 25
  - (ii) an application to effect a change in the name of a registered proprietor; or

- (b) refuse to register such a dealing or application; or 30

- (c) reject such a dealing or application,

if it is not accompanied by a fully completed notice in the approved form.

*Conveyancing Legislation (Notice of Sale) Amendment 1992*

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**SCHEDULE 2—AMENDMENT OF OTHER ACTS**

(Sec. 4)

**Local Government Act 1919 No. 41**

Section 163 (Notice of transfer):

5 (a) From section 163 (1) (a), omit “the ratable person and”.

(b) After section 163 (2), insert:

10 (3) The requirements of this section are taken to have been satisfied in relation to an event if notice of the event is lodged with the Registrar-General with a dealing, application or instrument as referred to in section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within 1 month after the occurrence of the event.

**Rural Lands Protection Act 1989 No. 197**

15 Section 65 (Notice to be given of changes in occupancy or ownership of ratable land):

After section 65 (1), insert:

20 (1A) The requirements of subsection (1) are taken to have been satisfied in relation to a change of ownership if notice of the change is lodged with the Registrar-General with a dealing, application or instrument as referred to in section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within 1 month after the change of ownership.

**Valuation of Land Act 1916 No. 2**

25 Section 71 (Changes of ownership):

At the end of the section, insert:

30 (2) The requirements of this section in relation to the giving of notice are taken to have been satisfied in relation to an event if notice of the event is lodged with the Registrar-General with a dealing, application or instrument as referred to in section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within 1 month after the occurrence of the event.

*Conveyancing Legislation (Notice of Sale) Amendment 1992*

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**SCHEDULE 3—AMENDMENT OF REGULATIONS**

(Sec. 5)

**Water Board (Finance) Regulation 1988**

**Clause 35 (Liability on disposing of land):**

After clause 35 (3), insert:

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(4) A notice lodged with the Registrar-General under section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 is to be treated as an approved notice for the purposes of this clause.

**Water Supply Authorities (Finance) Regulation 1987**

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**Clause 41 (Liability on disposing of land):**

After clause 41 (3), insert:

(4) A notice lodged with the Registrar-General under section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 is to be treated as an approved notice for the purposes of this clause.

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**CONVEYANCING LEGISLATION (NOTICE OF SALE)  
AMENDMENT ACT 1992 No. 92**

**NEW SOUTH WALES**



**TABLE OF PROVISIONS**

1. Short title
2. Commencement
3. Amendment of Conveyancing Act 1919 No. 6 and Real Property Act 1900 No. 25
4. Amendment of other Acts
5. Amendment of regulations
6. Savings and transitional provisions

**SCHEDULE 1—AMENDMENT OF CONVEYANCING ACT 1919 AND REAL  
PROPERTY ACT 1900**

**SCHEDULE 2—AMENDMENT OF OTHER ACTS**

**SCHEDULE 3—AMENDMENT OF REGULATIONS**

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**CONVEYANCING LEGISLATION (NOTICE OF SALE)  
AMENDMENT ACT 1992 No. 92**

**NEW SOUTH WALES**



**Act No. 92, 1992**

**An Act to amend the Conveyancing Act 1919 and the Real Property Act 1900 in relation to notices of the sale or transfer of land; to make related amendments to other Acts and to regulations; and for other purposes.  
[Assented to 2 December 1992]**



*Conveyancing Legislation (Notice of Sale) Amendment Act 1992 No. 92*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Conveyancing Legislation (Notice of Sale) Amendment Act 1992.

**Commencement**

2. This Act commences on a day to be appointed by proclamation.

**Amendment of Conveyancing Act 1919 No. 6 and Real Property Act 1900 No. 25**

3. The Conveyancing Act 1919 and the Real Property Act 1900 are amended as set out in Schedule 1.

**Amendment of other Acts**

4. Each Act specified in Schedule 2 is amended as set out in that Schedule.

**Amendment of regulations**

5. Each regulation specified in Schedule 3 is amended as set out in that Schedule.

**Savings and transitional provisions**

6. (1) An amendment made by Schedule 1 to the Conveyancing Act 1919 and the Real Property Act 1900 applies to instruments lodged with the Registrar-General for registration after the commencement of the amendment.

(2) The amendments made by Schedule 3 to the regulations specified in that Schedule do not affect the future amendment or repeal of those regulations.

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**SCHEDULE 1—AMENDMENT OF CONVEYANCING ACT  
1919 AND REAL PROPERTY ACT 1900**

(Sec. 3)

**Conveyancing Act 1919 No. 6****Section 184E (Method of registration):**

After section 184E (4), insert:

(4A) If an instrument purports to vest an estate or interest in land, or to effect a change in the name of a person in whom an estate or interest in land is vested, the Registrar-General may:

- (a) refuse to accept the instrument for registration in the General Register of Deeds; or
- (b) refuse to register the instrument in the General Register of Deeds; or
- (c) reject the instrument if it is lodged for registration in the General Register of Deeds,

if the instrument is not accompanied by a fully completed notice in the approved form.

**Real Property Act 1900 No. 25****Section 39 (Dealings not to be registered unless in accordance with approved forms):**

After section 39 (1A), insert:

(1B) The Registrar-General may:

(a) refuse to accept for registration:

- (i) a dealing purporting to transfer or otherwise to deal with or affect any estate or interest in land under the provisions of this Act; or
- (ii) an application to effect 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.

*Conveyancing Legislation (Notice of Sale) Amendment Act 1992 No. 92*

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**SCHEDULE 2—AMENDMENT OF OTHER ACTS**

(Sec. 4)

**Local Government Act 1919 No. 41**

**Section 163 (Notice of transfer):**

- (a) From section 163 (1) (a), omit “the ratable person and”.
- (b) After section 163 (2), insert:

(3) The requirements of this section are taken to have been satisfied in relation to an event if notice of the event is lodged with the Registrar-General with a dealing, application or instrument as referred to in section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within 1 month after the occurrence of the event.

**Rural Lands Protection Act 1989 No. 197**

**Section 65 (Notice to be given of changes in occupancy or ownership of ratable land):**

After section 65 (1), insert:

(1A) The requirements of subsection (1) are taken to have been satisfied in relation to a change of ownership if notice of the change is lodged with the Registrar-General with a dealing, application or instrument as referred to in section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within 1 month after the change of ownership.

**Valuation of Land Act 1916 No. 2**

**Section 71 (Changes of ownership):**

At the end of the section, insert:

(2) The requirements of this section in relation to the giving of notice are taken to have been satisfied in relation to an event if notice of the event is lodged with the Registrar-General with a dealing, application or instrument as referred to in section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 within 1 month after the occurrence of the event.

**SCHEDULE 3—AMENDMENT OF REGULATIONS**

(Sec. 5)

**Water Board (Finance) Regulation 1988**

**Clause 35 (Liability on disposing of land):**

After clause 35 (3), insert:

(4) A notice lodged with the Registrar-General under section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 is to be treated as an approved notice for the purposes of this clause.

**Water Supply Authorities (Finance) Regulation 1987**

**Clause 41 (Liability on disposing of land):**

After clause 41 (3), insert:

(4) A notice lodged with the Registrar-General under section 39 of the Real Property Act 1900 or section 184E of the Conveyancing Act 1919 is to be treated as an approved notice for the purposes of this clause.

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[Minister's second reading speech made in—  
*Legislative Assembly on 18 November 1992*  
*Legislative Council on 25 November 1992*]