

FACT SHEET

Land Titles Amendment Bill 2022

The *Land Titles Amendment Bill 2022* (the Bill) will grant the Recorder of Titles (the Recorder) the authority to issue directions specifying requirements relating to the preparation and lodgement for registration of land dealings.

The purpose of the directions is that the Recorder will be able to:

- improve the integrity of the Land Titles Office's current paper-based conveyancing processes by introducing to it elements derived from the National Electronic Conveyancing System, and thereby familiarise lodging parties with such requirements prior to actual implementation of electronic conveyancing, and
- provide mechanisms to facilitate the implementation of the National Electronic Conveyancing System into Tasmania.

In summary, the Bill proposes to amend the *Land Titles Act 1980* (the Act) to:

- introduce provisions creating a head of power under which the Recorder is empowered to issue directions specifying procedures and requirements to be followed in the preparation and lodgement for registration of applications, dealings, instruments, and other documents with the Land Titles Office;
- introduce provisions allowing the Recorder to amend and revoke such directions by notice;
- require that the Recorder give twenty (20) working days' notice of any directions being made, amended, or revoked, unless the Recorder is satisfied the changes need to take place urgently;
- require that the Recorder publish the directions, and any notice of amendment or revocation, by way of Departmental website, a publication issued by the Recorder, or any other means the Recorder considers appropriate in the circumstances; and
- define the term 'lodgement' for the purposes of Recorder's Directions so that it includes both paper and electronic preparation and lodgement.

The directions, and any notice of revocation or amendment, that may be made pursuant to the Bill will not be 'subordinate legislation' for the purposes of the *Subordinate Legislation Act 1992* or 'statutory rules' for the purposes of the *Rules Publication Act 1953*. This will allow for greater flexibility, avoiding lengthy delays and resulting industry uncertainty.

The Bill has the aim of improving the integrity of Tasmania's current paper-based conveyancing processes by allowing the Recorder to introduce requirements derived from those used in the National Electronic Conveyancing System, such as verification of identity requirements, client authorisation, and practitioner certification. A non-exhaustive list of the categories of requirements that may be introduced is included in section 160A(3) that the Bill would insert into the Act.

Reform of the paper process by way of such directions will mean that solicitors and conveyancers will become familiar with requirements that form part of the National Electronic Conveyancing

System prior to the implementation of electronic conveyancing in Tasmania. This will remove incentives to continue lodging on paper. Once electronic conveyancing is introduced in Tasmania, the directions will allow the Recorder to change requirements quickly and efficiently in line with any changes made to the model requirements of the National Electronic Conveyancing System, which are developed at a national level.

While the directions which could be made under the Bill will be useful in preparing for and implementing electronic conveyancing in Tasmania, the Bill does not itself introduce electronic conveyancing.

Many other Australian jurisdictions empower their equivalent of the Recorder to issue directions or rules serving the same purpose as the directions that could be made under the Bill.

In addition to the substantive amendments introducing Recorder's Directions, the Bill also makes a number of minor amendments to provisions throughout the Act to ensure that the spelling of 'lodgement' is made consistent with the primary spelling used in the Macquarie dictionary throughout the Act.