

Electronic Conveyancing (Adoption of National Law) Bill 2013

CLAUSE NOTES

Clause 1 Short Title

Clause 2 Commencement

This clause provides for commencement on the day on which the Act receives Royal Assent.

Clause 3 Interpretation

This clause defines certain words and expressions used in the provisions of the proposed Act.

This clause also provides that terms used in this Act that are used in the Electronic Conveyancing National Law have the same meaning in this Act as they have in that Law.

Clause 4 Application of Electronic Conveyancing National Law

This clause applies the Electronic Conveyancing National Law as set out in the appendix to the *Electronic Conveyancing (Adoption of National Law) Act 2012* of New South Wales as law in Tasmania.

Clause 5 Meaning of general terms in Electronic Conveyancing National Law for purposes of this jurisdiction

This clause sets out the meaning, for the purposes of Tasmania only, of certain generic terms used in the Electronic Conveyancing National Law (Tasmania).

The “land titles legislation” is the *Land Titles Act 1980*.

The “Registrar” is the Recorder of Titles appointed under the *Land Titles Act 1980*.

A “registry instrument” is any dealing or instrument under the *Land Titles Act 1980*.

The “jurisdiction” is Tasmania.

The “titles register” is the Register under the *Land Titles Act 1980*.

Clause 6 Responsible tribunal for Electronic Conveyancing National Law (Tasmania)

This clause makes the Supreme Court the responsible tribunal for Tasmania under the Electronic Conveyancing National Law (Tasmania). The responsible tribunal has functions with respect to appeals under the National Law.

Clause 7 Delegation of any other person for Electronic Conveyancing National Law (Tasmania)

This clause provides that the reference to any other person in section 37 of the Electronic Conveyancing National Law (Tasmania) is a reference to a State Service officer or State Service employee.

Section 37 allows the Registrar to delegate the power conferred by section 21 to monitor activities in an Electronic Lodgement Network, and any function under Division 5 of Part 3 which relates to compliance examinations. The Registrar's power to delegate under section 37 is limited to delegating this power and functions to a State Service officer or State Service employee.

Clause 8 Exclusion of interpretation legislation of this jurisdiction

This clause provides that the *Acts Interpretation Act 1931* does not apply in respect of the Electronic Conveyancing National Law (Tasmania). The Electronic Conveyancing National Law (Tasmania) has its own interpretation provisions.

Clause 9 Offence to give false or misleading information

This clause provides that the giving of false or misleading information, answers and documents to the Registrar under the Electronic Conveyancing National Law (Tasmania) or an instrument made under the Electronic Conveyancing National Law (Tasmania) is an offence.

Specifically, clause 9(1) deals with where a person believes the information or answer given to the Registrar to be materially false or misleading. The maximum penalty is 60 penalty units which is consistent with penalties for this offence in other jurisdictions.

Clause 9(2) deals with where a person knows, or subsequently finds out, that a document produced to the Registrar under the Electronic Conveyancing National Law (Tasmania) or an instrument made under that Law is materially false or misleading. However, it is not an offence if the person indicates to the Registrar which material is false or misleading and, if practicable, corrects the false or misleading information. The maximum penalty is 60 penalty units which is consistent with penalties for this offence in other jurisdictions.

Clause 10 Regulations

This clause provides the Governor with the power to make regulations for the purposes of the proposed Act.

Clause 10 Administration of Act

This clause establishes the Minister and Department responsible for administering the Act.