

# Land Titles Amendment Bill 2012

## FACT SHEET

The Amendment Bill amends the *Land Titles Act 1980* to reflect changes in practice and changes in technology since 1980, and to extend electronic lodgement of dealings, and provide for consistency between provisions.

The Bill amends the *Land Titles Act 1980* by incorporating six key amendments:

- amendment of the Assurance Fund provisions to allow the Minister to approve claims to the value of \$10 000 or less without recourse to the Governor-in-Council, as is now the case;
- the introduction, in specific instances, of the cancellation of caveats. A registered proprietor is able to apply for the cancellation of a caveat without lodging a dealing;
- amendment of section 142 to improve the procedure for holding an inquiry into boundary rectifications, introduce an investigation process, specify when the Recorder of Titles of his/her own motion can apply under section 142, and clarify when section 142 applies to sealed plans under the *Local Government (Building and Miscellaneous Provisions) Act 1993* ;
- inclusion of a general power for the Recorder of Titles to require advertisements and notices where the Recorder considers it necessary;
- inclusion of omitted easements as an exception to indefeasibility; and
- provision is made to extend electronic lodgement of dealings to any dealing or instrument able to be lodged under this or any other Act.

The Amendment Bill includes other amendments which reflect that the Register is in an electronic form, reflect current practice, and introduce consistency between provisions.

The Amendment Bill improves the practical application of the *Land Titles Act 1980*.

These changes update various provisions of the Act to reflect that the Register is in an electronic form, reflect changes in technology and practice and improve its practical implementation.

The Amendment Bill updates the *Land Titles Act 1980* in order to benefit from changes in technology and practice to achieve improved performance during examination and registration processes and maintain the register of title.