

FACT SHEET

Land (Miscellaneous Amendments) Bill 2021

The primary intention of the *Land (Miscellaneous Amendments) Bill* is to improve existing land related legislation. The amendments are generally considered to be minor and non-contentious. The amendments are principally to the *Land Titles Act 1980* and the *Land Titles Regulations 2012*, both of which are administered by the Recorder of Titles.

Consistent with these amendments, minor amendments are also proposed to be made to other legislation (marked with an asterisk below) which relate to the powers and functions of the Recorder of Titles.

The Valuer-General has proposed amendments to the *Land Acquisition Act 1993* to create consistency of timeframes in that Act and to permit electronic signature and service of notices.

Minor improvements are to be made to the *Nature Conservation Act 2002*, by replacing the reference to associated regulations referred to by specific title in that Act with a more general reference to regulations with respect to wildlife made under the Act and also removing reference to specific numbered schedules considered unnecessary to retain.

A list of the legislation to be amended by the Bill is set forth below:

- *Land Titles Act 1980*
- *Land Titles Regulations 2012*
- *Land Acquisition Act 1993*
- *Conveyancing and Law of Property Act 1884**
- *Conveyancing and Law of Property (Building Title Plans) Regulations 2012**
- *Abandoned Lands Act 1973**
- *Associations Incorporations Act 1964**
- *Homes Act 1935**
- *Local Government (Building & Miscellaneous Provisions) Act 1993**
- *Local Government (Highways) Act 1962**
- *Nature Conservation Act 2002*
- *Neighbourhood Disputes About Plants Act 2017**
- *War Service Land Settlement Act 1950**
- *Wellington Park Act 1993**

The key elements of the Bill provide for:

- streamlining the compulsory acquisition process through the issuing of electronic signatures and electronic service by both the landowner and the acquiring authority, including Notices to Treat and Notices of Acquisition;
- making timeframes for service of notices consistent within the *Land Acquisition Act 1993*;
- modifying prescriptive language or the assumption that a paper certificate of title has been issued to align legislation in anticipation of an ongoing future move towards paperless certificates of title;
- clarity and consistency, changing the time periods provided for throughout the *Land Titles Act 1980* so that they are all expressed in days;

- introducing gender neutral language throughout the *Land Titles Act 1980* when referring to a person or to the statutory position of the Recorder of Titles, Deputy Recorder of Titles or an Assistant Recorder of Titles;
- introducing in other legislation a broadening of gender references when referring to a person or to a statutory position in sections which are being amended for another purpose;
- clarifying the operation of section 133(5) of the *Land Titles Act 1980* regarding withdrawals of caveats;
- modifying unnecessary references to duplicate registered dealings;
- removing the requirement from section 169A of the *Land Titles Act 1980* to update the practice manual when a new form is approved for use by the Recorder;
- aligning section 136A of the Act with section 134 so that time extends to the next business day if the office of the Recorder is closed;
- correcting references to superseded legislation ie substituting the '*Land Surveyors Act 1909*' with the '*Surveyors Act 2002*';
- making it clear that when a joint tenancy between more than two owners is severed by one owner under section 63 of the *Land Titles Act 1980*, such severance should not by default sever the entire joint tenancy between the remaining owners;
- amending the priority notice provisions in section 52 of the *Land Titles Act 1980* to make it clear that a priority notice has immediate effect at the time upon which it is lodged and that it expires at midnight on the last day of the prescribed period, and prescribing an extended period of 90 days to be contained within the *Land Titles Regulations 2012*, increased from 60 days;
- detailing what is expected and required when lodging documents that are not in the English language in terms of appropriate certification and translation;
- requiring appropriate initialling and amendment of documents post lodgement and the ability of the Recorder to rely on the representation as to correction without further enquiry;
- providing that a workplace address is also an acceptable address for a witness;
- modernising and improving certain practices for the lodgement of documents for administrative efficiency, consistency and integrity of the documents;
- making a minor amendment to the *Nature Conservation Act 2002* to remove reference to numbered schedules in the regulations that relate to wildlife under the Act which are considered unnecessary to retain; and
- replacing specific reference to the name of the Regulations under the *Nature Conservation Act 2002*, currently the *Wildlife (General) Regulations 2010* (expiring in November 2021 and currently being remade) with more general language. This change mitigates the need to amend the Act every ten years when the Regulations are required to be remade.