

CLAUSE NOTES

Land Titles Amendment Bill 2022

- Clause 1 **Short Title**
- Clause 2 **Commencement**
This clause provides that this Act will commence on the day on which this Act receives the Royal Assent.
- Clause 3 **Principal Act**
This clause provides that the *Land Titles Act 1980* is the Principal Act.
- Clause 4 **Section 14 amended (Caveat forbidding the bringing of land under this Act)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement' in subsections (2) and (3).
- Clause 5 **Section 33 amended (the Register, certificates of title and registration)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.
- Clause 6 **Section 48A amended (Lodgement of dealings and instruments)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.
- Clause 7 **Section 48C amended (Lodgement of supporting documents)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.
- Clause 8 **Section 49 amended (Instruments not effectual until registered)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.
- Clause 9 **Section 50 amended (Dealings not to be registered except in accordance with this Act)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.
- Clause 10 **Section 52 amended (Priority notices)**
This section is amended by replacing 'lodgment' with the new spelling 'lodgement' in subsections (2)(b), (2)(d), (3), and (5A)(a).

Clause 11 Section 99 amended (Transmission on death to personal representative)

This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.

Clause 12 Section 126 amended (Registration of acquiring authority as proprietor)

This section is amended by twice replacing 'lodgment' with the new spelling 'lodgement'.

Clause 13 Section 136 amended (Lapsing of caveat on registration of dealing)

This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.

Clause 14 Section 138E amended (Caveat forbidding granting of application under section 138D)

This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.

Clause 15 Section 138S amended (Power of owner to lodge caveat)

This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.

Clause 16 Section 160A inserted

Section 160A is a new section inserted to create a head of power under which the Recorder of Titles may issue directions relating to the preparation and lodgement for registration of applications, dealings, instruments, and other documents for the purposes of this Act.

Subsection (1) provides definitions of 'lodgement', 'published', and 'working day' for the purposes of section 160A. 'Lodgement' is defined to include lodging in accordance with sections 48A, 48B, or 48C of the Act, which provide that the Recorder may agree to accept dealings, instruments, and supporting documents electronically, as well as electronic lodgement in accordance with section 7 of the *Electronic Conveyancing National Law (Tasmania)*.

'Published' is defined to include publication by way of public website maintained by the Department, a publication issued by the Recorder of Titles, and any other means the Recorder considers appropriate.

'Working day' is also defined, and includes any day other than a Saturday, Sunday, or statutory holiday.

Subsection (2) provides the head of power for the Recorder of Titles to issue directions specifying requirements and procedures in the preparation

and lodgement for registration of applications, dealings, instruments, and other documents for the purposes of the Act.

Subsection (3) clarifies, without limiting the extent of the head of power in subsection (2), that the Recorder of Titles may issue directions relating to one or more of thirteen topics listed in lettered subsections (3)(a) to (3)(m).

Subsection (4) provides that the Recorder of Titles may revoke or amend directions made under the head of power in subsection (2) by notice.

Subsection (5) requires that any directions under subsection (2) or notices of revocation or amendment under subsection (4) must specify the date on which they are to take effect, specify the period during which they are in effect or if they are effective indefinitely, and be in writing.

Subsection (6) requires that the Recorder of Titles publish each direction made under subsection (2) and notice of amendment or revocation made under subsection (4) at least 20 working days before the date it specified to take effect. Publication may take place less than 20 days prior to the date it is specified to take effect if the Recorder of Titles is satisfied that the direction or notice is urgent.

Subsection (7) requires that people must comply with directions issued under subsection (2).

Subsection (8) provides that the Recorder of Titles may refuse to register a document if it does not comply with a direction issued under subsection (2).

Subsection (9) provides that, notwithstanding subsection (8), the Recorder of Titles may register a document that does not comply with a direction issued under subsection (2) if the Recorder of Titles considers it appropriate to do so.

Subsection (10) clarifies that directions issued under subsection (2) are not statutory rules for the purposes of the *Rules Publication Act 1953* and are not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

Subsection (11) clarifies that notices of amendment or revocation issued under subsection (2) are not statutory rules for the purposes of the *Rules Publication Act 1953* and are not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

Clause 17 Section 170 amended (Regulations)

This section is amended by replacing 'lodgment' with the new spelling 'lodgement'.

Clause 18 **Schedule 3 amended (Prescribed fees)**

This schedule is amended by replacing '*lodgment*' with the new spelling '*lodgement*' in items 1, 2, 3, 4, 7, 9, 10, 11, 14, 19, and 20 of column 2.

Clause 19 **Repeal of Act**

This clause details that this Act is repealed on the first anniversary of its commencement.