

TASMANIA

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**LAND TITLES AMENDMENT BILL 2018**

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# LAND TITLES AMENDMENT BILL 2018

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*  
28 August 2018

*(Brought in by the Minister for Primary Industries and Water,  
the Honourable Sarah Courtney)*

## A BILL FOR

### An Act to amend the *Land Titles Act 1980*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

#### 1. Short title

This Act may be cited as the *Land Titles Amendment Act 2018*.

#### 2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

#### 3. Principal Act

In this Act, the *Land Titles Act 1980*\* is referred to as the Principal Act.

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\*No. 19 of 1980

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**4. Section 146 amended (Mortgagee, encumbrancee or lessor may obtain possession in certain cases)**

Section 146 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “to which the expiry of the term of the lease relates or” after “premises”;
- (b) by omitting subsection (2);
- (c) by omitting from subsection (3) “of an order referred to in subsection (1)” and substituting “, on a lessee, mortgagor or encumbrancer, of an order under subsection (5)”;
- (d) by omitting subsection (4);
- (e) by omitting from subsection (5) “If a person referred to in subsection (4) does not make the payment referred to in that subsection and does not at the time specified in the summons referred to in that subsection show good cause why the premises should not be recovered, then on” and substituting “If an application is made under subsection (1), then, on”;
- (f) by omitting paragraph (a) from subsection (5);
- (g) by omitting from subsection (5)(c)(i) “referred to in subsection (4)”;

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- (h) by omitting from subsection (5) “that summons” and substituting “the application”.

**5. Section 148 amended (Right of mortgagor or encumbrancer tendering principal, &c., and paying same to Treasurer to obtain discharge of mortgage, &c.)**

Section 148(1) of the Principal Act is amended as follows:

- (a) by omitting “return day of the summons referred to in section 146” and substituting “day specified in an order under section 146(5) as the day on which possession of the premises to which the order relates is to be given”;
- (b) by inserting “to which the order relates” after “land”.

**6. Repeal of Act**

This Act is repealed on the three hundred and sixty fifth day from the day on which it commences.