

# TASMANIA

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## LAND TITLES AMENDMENT BILL 2022

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## **LAND TITLES AMENDMENT BILL 2022**

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.

LAURA ROSS, *Clerk of the House*  
30 March 2023

*(Brought in by the Minister for Parks, the Honourable Roger Charles Jaensch)*

### **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 2022*.

#### **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 14 amended (Caveat forbidding the bringing of land under this Act)**

Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “lodgment” and substituting “lodgement”;
- (b) by omitting from subsection (3) “lodgment” and substituting “lodgement”.

**5. Section 33 amended (The Register, certificates of title and registration)**

Section 33(10) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

**6. Section 48A amended (Lodgement of dealings and instruments)**

Section 48A(c) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

**7. Section 48C amended (Lodgement of supporting documents)**

Section 48C of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

**8. Section 49 amended (Instruments not effectual until registered)**

Section 49(4) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

**9. Section 50 amended (Dealings not to be registered except in accordance with this Act)**

Section 50(13) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

**10. Section 52 amended (Priority notices)**

Section 52 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(b) “lodgment” and substituting “lodgement”;
- (b) by omitting from subsection (2)(d) “lodgment” and substituting “lodgement”;
- (c) by omitting from subsection (3) “lodgment” twice occurring and substituting “lodgement”;
- (d) by omitting from subsection (5A)(a) “lodgment” and substituting “lodgement”.

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

Section 99(1) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

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

Section 126(1) of the Principal Act is amended by omitting “lodgment” twice occurring and substituting “lodgement”.

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

Section 136(1) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

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

Section 138E(2) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

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

Section 138S(2)(c) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

**16. Section 160A inserted**

After section 160 of the Principal Act, the following is inserted in Part XII:

**160A. Power of Recorder to issue directions**

(1) In this section –

*lodgement* includes lodging, depositing, presenting, processing, sending, giving or filing –

- (a) a dealing, instrument or document in accordance with section 48A, 48B or 48C; and
- (b) electronically in accordance with section 7 of the Electronic Conveyancing National Law (Tasmania); and
- (c) in an electronic form; and
- (d) in an electronic manner; and
- (e) in person; and
- (f) by post;

*published* includes publication by all or any of the following means:

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- (a) by means of a public website maintained by or on behalf of the Department;
- (b) by means of a publication issued by the Recorder;
- (c) by any other means that the Recorder considers appropriate in the circumstances;

*working day* means any day other than –

- (a) a Saturday; or
- (b) a Sunday; or
- (c) a statutory holiday as defined in the *Statutory Holidays Act 2000*.

- (2) The Recorder may issue directions specifying the requirements and procedures (whether electronic requirements and procedures or paper requirements and procedures, or both electronic and paper requirements and procedures) to be followed for, or in connection with, the preparation, and the lodgement for registration, of applications, dealings, instruments, and other documents, for the purposes of this Act.

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- (3) Without limiting subsection (2), the Recorder may issue directions specifying the requirements, and the procedures, to be followed in relation to any one or more of the following:
- (a) verification of identity and authority, including –
    - (i) the standards to which identity and authority are to be verified; and
    - (ii) the classes of persons in respect of whom identity and authority are to be verified; and
    - (iii) the classes of documents in relation to which verification of identity and authority requirements apply; and
    - (iv) the classes of persons who may undertake verification of identity and authority; and
    - (v) any supporting evidence or retention requirements;
  - (b) agent or client authorizations, including –
    - (i) the form of an agent or client authorization; and

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- (ii) the classes of documents to which an agent or client authorization applies; and
  - (iii) any supporting evidence or retention requirements;
- (c) the certification of matters relating to applications, dealings, instruments, and other documents, including –
  - (i) the form of the certification; and
  - (ii) the classes of persons who may certify those matters; and
  - (iii) any supporting evidence and retention requirements;
- (d) the retention of supporting or authenticating documents generally, including the period of retention;
- (e) the obligations of persons to produce to the Recorder any supporting or authenticating documents, including the period for which the Recorder may retain those documents;

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- (f) the classes of applications, dealings, instruments, and other documents, that may be lodged electronically;
- (g) the obligations of persons preparing or lodging applications, dealings, instruments, and other documents (including warranties and representations);
- (h) the classes of applications, dealings, instruments, and other documents, which are not required to be witnessed for the purposes of this Act (including providing for certification, authentication or other alternatives to execution or attestation);
- (i) the persons authorized under this Act to execute or attest any applications, dealings, instruments, and other documents, (including providing for certification, authentication or other alternatives to execution or attestation);
- (j) the ways in which consent may be given to the registration of applications, dealings, instruments, and other documents;

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- (k) the method for the payment of any fees required to be paid for the purposes of this Act;
  - (l) the form and the manner in which a certificate of title, if any, may be lodged, issued, called in, prepared, delivered up, produced, kept, registered or otherwise dealt with for the purposes of this Act (including dispensing with the production of a certificate of title, if any);
  - (m) the form and the manner in which the registration of applications, dealings, instruments, and other documents, may be confirmed.
- (4) The Recorder may, at any time, by notice revoke, or amend, a direction issued under subsection (2).
- (5) A direction issued by the Recorder under subsection (2), and a notice of the revocation or amendment of any such direction under subsection (4), must –
- (a) specify the date on which the direction, or the revocation or amendment of the direction, is to take effect; and
  - (b) specify the period for which the direction is in effect or that the direction is in effect indefinitely; and

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- (c) be in writing.
- (6) The Recorder is to cause each direction issued by the Recorder under subsection (2), and each revocation or amendment of any such direction under subsection (4), to be published –
  - (a) at least 20 working days before the date on which the direction, or the revocation or amendment of the direction, is specified to take effect in accordance with subsection (5)(a); or
  - (b) less than 20 working days before the date on which the direction, or the revocation or amendment of the direction, is specified to take effect in accordance with subsection (5)(a), if the Recorder is satisfied that the direction, or the amendment or revocation, is urgent.
- (7) A person must comply with a direction issued by the Recorder under subsection (2).
- (8) The Recorder may refuse to register an application, dealing, instrument, or other document, that does not comply with a direction issued by the Recorder under subsection (2).
- (9) Despite subsection (8), if the Recorder considers it appropriate to do so in the

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circumstances, the Recorder may register an application, dealing, instrument, or other document, that does not comply with a direction issued by the Recorder under subsection (2).

(10) A direction issued by the Recorder under subsection (2) –

(a) is not a statutory rule within the meaning of the *Rules Publication Act 1953*; and

(b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

(11) A notice made by the Recorder under subsection (4) –

(a) is not a statutory rule within the meaning of the *Rules Publication Act 1953*; and

(b) is not subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

**17. Section 170 amended (Regulations)**

Section 170(2)(a) of the Principal Act is amended by omitting “lodgment” and substituting “lodgement”.

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

Schedule 3 to the Principal Act is amended as follows:

- (a) by omitting “Lodgment” from column 2 of item 1 in the table and substituting “Lodgement”;
- (b) by omitting “Lodgment” from column 2 of item 2 in the table and substituting “Lodgement”;
- (c) by omitting “Lodgment” from column 2 of item 3 in the table and substituting “Lodgement”;
- (d) by omitting “Lodgment” from column 2 of item 4 in the table and substituting “Lodgement”;
- (e) by omitting “Lodgment” from column 2 of item 7 in the table and substituting “Lodgement”;
- (f) by omitting “Lodgment” from column 2 of item 9 in the table and substituting “Lodgement”;
- (g) by omitting “Lodgment” from column 2 of item 10 in the table and substituting “Lodgement”;
- (h) by omitting “Lodgment” from column 2 of item 11 in the table and substituting “Lodgement”;

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- (i) by omitting “Lodgment” from column 2 of item 14 in the table and substituting “Lodgement”;
- (j) by omitting “Lodgment” from column 2 of item 19 in the table and substituting “Lodgement”;
- (k) by omitting “Lodgment” from column 2 of item 20 in the table and substituting “Lodgement”.

**19. Repeal of Act**

This Act is repealed on the first anniversary of the day on which it commenced.