



New South Wales

Real Property Amendment (Land Transactions) Act 2009 No 71

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New South Wales

Real Property Amendment (Land Transactions) Act 2009 No 71

Act No 71, 2009

An Act to amend the *Real Property Act 1900* in relation to the lodgment and registration of dealings; and for other purposes. [Assented to 28 October 2009]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Real Property Amendment (Land Transactions) Act 2009*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of Real Property Act 1900 No 25

[1] Section 39 Treatment of dealings that do not comply with requirements

Insert after section 39 (1B):

- (1C) For the purposes of subsection (1B), a dealing or application is taken to be accompanied by a notice in the approved form if, before the presentation of the dealing or application, a notice relating to the dealing or application is lodged electronically in a form and in the manner approved by the Registrar-General.

[2] Section 117 Certificate of correctness

Insert “application,” after “by whom the” in section 117 (1) (a).

[3] Section 117 (1A) and (1B)

Insert after section 117 (1):

- (1A) The Registrar-General may reject, or may refuse to accept or to take any action in relation to, any dealing accompanied by a notice (in accordance with section 39 (1B)) unless:
- (a) in the case of a notice lodged electronically—the dealing is accompanied by a certificate to the effect that the notice has been lodged electronically in a form and in the manner approved by the Registrar-General and that the notice is correct for the purposes of this Act, and
 - (b) in any other case—the notice bears a certificate to the effect that the notice is correct for the purposes of this Act.
- (1B) A certificate referred to in subsection (1A) must be signed by:
- (a) the person lodging the dealing, or
 - (b) a party to the dealing, or
 - (c) a solicitor or agent acting for the person lodging, or a party to, the dealing.

[4] Section 117 (2)

Omit “any such application, dealing or caveat”.

Insert instead “any application, dealing, caveat or notice referred to in this section”.

[5] Section 129 Circumstances in which compensation payable

Insert at the end of section 129 (1) (f):

or

- (g) any error of the Registrar-General in recording details supplied in the notice referred to in section 39 (1B),

[6] Section 129 (2) (p)

Insert at the end of section 129 (2) (o):

, or

- (p) where the loss or damage arises from the provision by the Registrar-General of information supplied in the notice referred to in section 39 (1B) (subject to subsection (1) (g)).

[7] Section 144 Regulations

Insert “and” at the end of section 144 (1) (a).

[8] Schedule 3 Savings and transitional provisions

Insert at the end of clause 1 (1):

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[9] Schedule 3, Part 9

Insert after Part 8:

Part 9 Real Property Amendment (Land Transactions) Act 2009

24 Application of amendments

- (1) Sections 39 (1C) and 117 (1A) or (1B), as inserted by the *Real Property Amendment (Land Transactions) Act 2009*, apply in respect of a dealing only if the relevant date for that dealing occurs after the commencement of the relevant subsection.
- (2) In this clause, *relevant date* means:
 - (a) if a contract has resulted in the execution of the dealing—the date of the contract, or
 - (b) in any other case—the date of the acquisition of the land or other event that gave rise to the dealing concerned.

[Agreement in principle speech made in Legislative Assembly on 10 September 2009
Second reading speech made in Legislative Council on 20 October 2009]

BY AUTHORITY