

Passed by both Houses



New South Wales

# Real Property Amendment (Land Transactions) Bill 2009

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*I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.*

*Clerk of the Legislative Assembly.  
Legislative Assembly,  
Sydney, , 2009*



New South Wales

## **Real Property Amendment (Land Transactions) Bill 2009**

Act No , 2009

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An Act to amend the *Real Property Act 1900* in relation to the lodgment and registration of dealings; and for other purposes.

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*I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.*

*Assistant Speaker of the Legislative Assembly.*

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**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.

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## **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):

*Real Property Amendment (Land Transactions) Act 2009*

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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.