

REAL PROPERTY (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Real Property Act 1900 so as—

- (a) to enable the Registrar-General to bring Crown land under the provisions of that Act even though the boundaries of the land are inexactly defined; and
- (b) to make it clear that access to information kept in the Register maintained under that Act may be gained through the use of computer facilities situated outside the Land Titles Office.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision that gives effect to the Schedules of amendments.

Schedule 1 (1) and (2) are consequential amendments which enable provisions of Part III of the Principal Act to be applied (under section 28T of that Act) to folios of the Register created under that section as proposed to be amended.

Schedule 1 (3) inserts proposed section 13N (Restriction on creation of folios) into the Principal Act which will prevent the issue under Part III of that Act of ordinary folios of the Register for Crown land if a survey is needed. In practice, this requirement is already observed.

Schedule 1 (4) omits a redundant definition from the Principal Act.

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Schedule 1 (5) amends section 28T of the Principal Act to enable limited folios of the Register to be created for land purchased or held under lease from the Crown or other land for which a folio could be created under Part III of that Act if its boundaries had been adequately defined. The certification of title provided by the Principal Act is not conclusive as regards the definition of the boundaries of land comprised in a limited folio so created, but in other respects that Act is applied to any such limited folio in the same way as it applies to ordinary folios.

Schedule 2 inserts proposed section 96B (2) and (3) into the Principal Act. Section 96B presently requires information in the Register to be available at such times, in such manner and upon payment of such fees as are set out in Regulations made under the Principal Act. The proposed subsections make it clear that the Registrar-General may provide limited or general access to that information at any other time in accordance with conditions (including requirements for the payment of fees) imposed by the Attorney General or the Registrar-General. The amendments will facilitate the making of arrangements for the use of computer hardware situated outside but linked to the Land Titles Office to display or reproduce that information.
