



New South Wales

# Real Property Amendment (Certificates of Title) Bill 2021

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The object of this Bill is to amend the *Real Property Act 1900* to remove—

- (a) the requirement for the Registrar-General to issue certificates of title for real property, and
- (b) requirements for the Registrar-General to make recordings on certificates of title, and
- (c) the Registrar-General's powers to require the production of certificates of title, and
- (d) requirements for land owners to produce and rely on certificates of title in conveyancing transactions, and
- (e) provisions that restrict the use of electronic conveyancing.

The Bill also makes consequential amendments to other Acts and regulations.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

## Schedule 1      Amendment of Real Property Act 1900 No 25

### Certificates of title and duplicate registered dealings

**Schedule 1.1[2], [3] and [5]** remove references to certificates of title and duplicate registered dealings.

**Schedule 1.1[20]** removes the power of the Registrar-General to issue, and to decline to issue, a certificate of title to land and removes references to the Registrar-General delivering to a person instruments, including certificates of title, following the recording of a dealing.

The amendment provides for the Registrar-General to issue an information notice to note that a dealing has been registered. An information notice confers no interest or title in land and is for information purposes only.

The amendment preserves the Registrar-General's capacity to assume people lodging dealings have the authority to do so. **Schedule 1.1[4]** makes a consequential amendment.

**Schedule 1.1[6]–[12], [14]–[19], [21], [22], [24]–[27] and [32]** make amendments to remove references to certificates of title in recognition that, as the Registrar-General will no longer issue certificates of title, there is no basis to require dealings and interests to be recorded on them.

The amendments also omit references and provisions requiring a person to give a certificate of title to the Registrar-General for the purpose of making a recording on the certificate or for another purpose.

**Schedule 1.1[28]–[31], [33] and [34]** remove references to a person applying to the Registrar-General for the issue of a certificate of title or duplicate registered dealing.

**Schedule 1.1[35]–[37]** remove references to a court making orders for the production, issue or delivery of a certificate of title as a consequence of the amendments removing references to dealings being recorded on certificates of title.

**Schedule 1.1[13]** removes references to offences relating to certificates of title, including offences associated with wrongful retention of a certificate of title. **Schedule 1.1[38]** makes a consequential amendment.

**Schedule 1.1[23]** removes a reference to the Registrar-General requiring a dealing to be lodged in paper form and provides for dealings to be lodged in a way approved by the Registrar-General.

**Schedule 1.1[39]** inserts savings and transitional provisions.

### **Electronic lodgment of documents**

**Schedule 1.2[1] and [8]** replace the current provision allowing documents to be lodged via an Electronic Lodgment Network under the *Electronic Conveyancing National Law (NSW)* with a provision that also allows lodgment by any electronic means approved by the Registrar-General. **Schedule 1.2[2] and [3]** make consequential amendments.

**Schedule 1.2[4]–[7], [9] and [10]** allow the Registrar-General to approve ways of providing consents, evidence and certificates in relation to land dealings under the *Real Property Act 1900*. These amendments will allow the Registrar-General to approve a range of electronic methods for providing consents, evidence and certificates.

### **Other amendments**

**Schedule 1.1[1]** updates a reference to a Department.

## **Schedule 2 Amendment of Real Property Regulation 2019**

**Schedule 2** makes consequential amendments to the *Real Property Regulation 2019*.

## **Schedule 3 Amendment of other legislation**

**Schedule 3** makes consequential amendments to a number of Acts and regulations, including the *Conveyancing Act 1919* and the *Strata Schemes Development Act 2015*.



New South Wales

# Real Property Amendment (Certificates of Title) Bill 2021

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New South Wales

# Real Property Amendment (Certificates of Title) Bill 2021

No. , 2021

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## **A Bill for**

An Act to amend the *Real Property Act 1900* in relation to certificates of title and electronic conveyancing; and for related purposes.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Real Property Amendment (Certificates of Title) Act 2021*.

3

**2 Commencement**

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(1) This Act commences on a day or days to be appointed by proclamation, except as provided by subsection (2).

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(2) Schedule 1.2[9] commences on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Real Property Act 1900 No 25</b>	1
<b>1.1</b>	<b>Amendments concerning certificates of title and duplicate registered dealings</b>	2
		3
<b>[1]</b>	<b>Section 3 Definitions</b>	4
	Omit “Finance, Services and Innovation” from the definition of <i>Department</i> in section 3(1)(a).	5
		6
	Insert instead “Customer Service”.	7
<b>[2]</b>	<b>Section 3(1)(a), definition of “Duplicate registered dealing”</b>	8
	Omit the definition.	9
<b>[3]</b>	<b>Section 3(1)(a), definition of “Instrument”</b>	10
	Omit “certificate of title,”.	11
<b>[4]</b>	<b>Section 3(1)(a)</b>	12
	Insert in alphabetical order—	13
	<i>Uplift</i> —The removal of a dealing or other document that has been lodged for registration or recording from its priority position so that it can be corrected or amended without withdrawing the dealing or document.	14
		15
		16
<b>[5]</b>	<b>Section 3(1)(c)</b>	17
	Omit the paragraph.	18
<b>[6]</b>	<b>Section 3A Application of Act to electronic form plans and other documents</b>	19
	Omit “certificates of title and office copies of court order” from section 3A(1)(b).	20
	Insert instead “office copies of court orders”.	21
<b>[7]</b>	<b>Section 3A(3)(a)</b>	22
	Omit “certificates of title and”.	23
<b>[8]</b>	<b>Section 13G Recordings in Register</b>	24
	Omit “, and upon any certificate of title issued in respect of the land comprised in the folio,” from section 13G(1).	25
		26
<b>[9]</b>	<b>Section 13G(3)</b>	27
	Omit “, or upon a certificate of title issued,”.	28
<b>[10]</b>	<b>Section 13G(3)(b)</b>	29
	Omit “or the certificate of title, as the case may be,”.	30
<b>[11]</b>	<b>Section 13G(4)</b>	31
	Omit “or a certificate of title” and “or certificate”.	32
<b>[12]</b>	<b>Section 13H Land that becomes Crown land</b>	33
	Omit “and may cancel, or make such recordings as the Registrar-General considers appropriate upon, any relevant certificate of title or duplicate registered dealing when it becomes available to the Registrar-General” from section 13H(1).	34
		35
		36

<b>[13] Sections 13H(3) and (4), 136, 137 and 141(1)(a)(ii)</b>	1
Omit the provisions.	2
<b>[14] Section 14 Application to bring land under the Act</b>	3
Omit “and may make any such recordings upon any relevant certificate of title when it becomes available to the Registrar-General” from section 14(6).	4 5
<b>[15] Section 28MH Cancellation of caution on resumption or sale under Local Government Act 1993</b>	6 7
Omit section 28MH(2). Insert instead—	8
(2) On making a recording under this section, the Registrar-General must cancel the caution recorded in the qualified folio that relates to the land resumed or transferred.	9 10 11
<b>[16] Section 31A Creation of folio for resumed land</b>	12
Omit “and may make like recordings upon the relevant certificate of title when it becomes available to the Registrar-General” from section 31A(2A).	13 14
<b>[17] Section 31A(3)(a)</b>	15
Insert “and” at the end of paragraph (a).	16
<b>[18] Section 31A(3)(b) and (d)</b>	17
Omit “and” from the end of paragraph (b) and omit paragraph (d).	18
<b>[19] Section 32 Folios of the Register</b>	19
Omit “and may, for the purposes of this subsection, require the production to the Registrar-General of any certificate of title” from section 32(5).	20 21
<b>[20] Sections 33–33A</b>	22
Omit the sections. Insert instead—	23
<b>33 Information notice</b>	24
(1) On the registration of a dealing, the Registrar-General may issue to the person who lodged the dealing a notice, in the form approved by the Registrar-General, that notes the registration of the dealing.	25 26 27
(2) A notice issued under this section is an information notice only.	28
(3) A notice issued under this section—	29
(a) does not confer or affect any interest, however described, in the land the subject of the dealing, and	30 31
(b) cannot be used as, or in substitute for—	32
(i) an official search as defined in section 96A, or	33
(ii) a document under the <i>Conveyancing Act 1919</i> .	34
<b>33A Assumption as to authority</b>	35
The Registrar-General may assume, and is deemed always to have been entitled to assume, that a person who lodges with the Registrar-General any dealing or other document has authority from all persons claiming under, or having an interest in, the dealing or other document to—	36 37 38 39
(a) lodge it with the Registrar-General, and	40

	(b) uplift it and have it corrected and amended before it is registered or recorded, and	1 2
	(c) withdraw it from registration or recording, and	3
	(d) substitute it with another dealing or document to the same effect, and	4
	(e) receive requisitions, communications and notices about it, and	5
	(f) take any other administrative steps required to ensure it is in registrable or recordable form.	6 7
<b>[21]</b>	<b>Section 36 Lodgment and registration of documents</b>	8
	Omit section 36(6). Insert instead—	9
	(6) A dealing that has been presented to the Registrar-General is lodged in registrable form only if it—	10 11
	(a) is in the approved form, and	12
	(b) does not require correction or amendment, other than a correction made by the Registrar-General under section 39(3).	13 14
<b>[22]</b>	<b>Section 36(10)</b>	15
	Omit the subsection.	16
<b>[23]</b>	<b>Section 36(12)</b>	17
	Omit “the Registrar-General may require the relevant instruments to be executed and lodged for registration in paper form”.	18 19
	Insert instead “the parties are to lodge the dealing in a form decided by the Registrar-General”.	20 21
<b>[24]</b>	<b>Section 37 Transactions effecting the subdivision of land</b>	22
	Omit “, and may refuse to issue a certificate of title for any land,” from section 37(2).	23
<b>[25]</b>	<b>Sections 38, 46B, 46C(3) and (4) and 138A(2)(e), (3) and (4)</b>	24
	Omit the provisions.	25
<b>[26]</b>	<b>Section 47 Recording, variation and release of easements etc</b>	26
	Omit “, and, when it becomes available to the Registrar-General, upon any certificate of title” from section 47(6A).	27 28
<b>[27]</b>	<b>Section 74F Lodgment of caveats against dealings, possessory applications, plans and applications for cancellation of easements or extinguishment of restrictive covenants</b>	29 30 31
	Omit “, because of the loss of a relevant certificate of title or some other instrument relating to the estate or interest or for some other reason,” from section 74F(2).	32 33
<b>[28]</b>	<b>Section 74H Effect of caveat lodged under section 74F</b>	34
	Omit section 74H(5)(u) and (v). Insert instead—	35
	(u) an application for the issue of—	36
	(i) a consolidated folio of the Register, or	37
	(ii) separate folios of the Register where there is more than one registered proprietor for land or for an estate or interest in land,	38 39



<b>[29] Section 100 Registered co-tenants</b>	1
Omit “Subject to subsection (3), where” from section 100(2). Insert instead “Where”.	2
<b>[30] Section 100(2)</b>	3
Omit “the shares:”.	4
Insert instead “the shares, create separate folios of the Register.”.	5
<b>[31] Section 100(2)(a)–(c) and (3)</b>	6
Omit the provisions.	7
<b>[32] Section 105B Registration of transfer pursuant to sale under writ</b>	8
Omit “and the Registrar-General may make a like recording on the relevant certificate of title or duplicate registered dealing when it becomes available to the Registrar-General” from section 105B(1).	9 10 11
<b>[33] Section 111 Lost etc certificate of title</b>	12
Omit the section.	13
<b>[34] Section 114 Registrar-General may require plan to be lodged</b>	14
Omit “or the issue of a certificate of title for the land comprised in a folio of the Register, refuse to create the folio or issue the certificate of title,” from section 114(c).	15 16
Insert instead “, refuse to create the folio,”.	17
<b>[35] Section 138 Court may direct cancellation of folios and other actions related to folios</b>	18
Omit section 138(2). Insert instead—	19
(2) A court may, in proceedings in which the court makes a determination as to an estate or interest in land, make ancillary orders of the kind set out in subsection (3) if in the court’s opinion the order is needed to give effect to the court’s determination.	20 21 22 23
<b>[36] Section 138(3)(d)</b>	24
Omit the paragraph.	25
<b>[37] Section 138(5)</b>	26
Omit “a certificate of title or other”. Insert instead “an”.	27
<b>[38] Section 141 Certain fraudulent acts to be deemed indictable offences</b>	28
Omit “certificate of title, recording or alteration the creation of which, issue or delivery of which or the making of which, as the case may be,” from section 141(2).	29 30
Insert instead “recording or alteration the creation or making of which”.	31
<b>[39] Schedule 3 Savings and transitional provisions</b>	32
Insert at the end of the Schedule, with appropriate Part and clause numbering—	33
<b>Part Real Property Amendment (Certificates of Title) Act 2021</b>	34 35
<b>Definitions</b>	36
In this Part—	37

<i>amending Act</i> means the <i>Real Property Amendment (Certificates of Title) Act 2021</i> .	1 2
<i>cessation day</i> has the meaning given by clause 31(1) of this Schedule.	3
<b>Cessation of issue of certificates of title</b>	4
(1) The Registrar-General may, by order published in the Gazette, declare that the Registrar-General will cease to issue certificates of title under this Act on a specified day (the <i>cessation day</i> ).	5 6 7
(2) The cessation day must be no earlier than the first day after the end of the period of 3 months, beginning with the day on which the order referred to in subclause (1) is published in the Gazette.	8 9 10
(3) On and from the cessation day—	11
(a) the Registrar-General is no longer required to issue certificates of title under this Act or any other Act, and	12 13
(b) a certificate of title previously issued has no force or effect for the purposes of a requirement, whether made under this Act or any other Act, for the lodgment or production of a certificate of title that is imposed in connection with the registration of a matter.	14 15 16 17
<b>Dealings underway on cessation day</b>	18
(1) This clause applies to a dealing that—	19
(a) is lodged with the Registrar-General before the cessation day, and	20
(b) is not registered by the cessation day, and	21
(c) at the time of lodgment required a certificate of title for registration.	22
(2) A dealing to which this clause applies is to be dealt with under the requirements that applied when the dealing was lodged with the Registrar-General.	23 24 25
(3) If a dealing is withdrawn and relodged—	26
(a) subclause (2) does not apply, and	27
(b) the dealing is to be dealt with under the requirements that apply when it is relodged.	28 29
<b>Disposal of documents</b>	30
(1) Subject to the <i>State Records Act 1998</i> , the Registrar-General may—	31
(a) destroy a paper document that the Registrar-General is not under a duty to deliver or issue to a person, whether or not it is part of the Register, or	32 33
(b) deliver a paper document that the Registrar-General is empowered to destroy under paragraph (a) to a person who, in the Registrar-General's opinion, intends to preserve it for historical purposes.	34 35 36
(2) Before destroying a document under subclause (1)(a) the Registrar-General must make a reproducible copy of the document if—	37 38
(a) for a document is part of the Register—it evidences a subsisting interest, or	39 40
(b) for a document that is not part of the Register—the Registrar-General would, but for subclause (1)(a), have a duty to preserve it.	41 42
(3) The Registrar-General must preserve a reproducible copy of a document referred to in subclause (2)(a) or (b) for as long as the interest evidenced by the	43 44

document subsists or for as long as the Registrar-General would, but for subclause (1)(a), have had a duty to preserve the document.	1 2
(4) If a reproducible copy of a document is preserved under subclause (3) and that document would, if it had not been destroyed under subclause (1)(a), be part of the Register, whether for all purposes or for the purpose only of section 96B, the reproducible copy is part of the Register for all purposes or for that purpose.	3 4 5 6 7
(5) In this clause— <i>reproducible copy</i> means a copy of a document that is captured and kept in a way that enables the document to be reproduced.	8 9 10
<b>Effect of repeal of section 46B</b>	11
The repeal of section 46B of this Act by the amending Act has no effect on any title to land that had previously been validated by that section.	12 13
<b>Effect of repeal of section 46C(4)</b>	14
The repeal of section 46C(4) of this Act by the amending Act has no effect on—	15 16
(a) the validity of any recording in the Register that was deemed by that section to have been authorised, or	17 18
(b) the validity of the issue of any certificate of title that was deemed by that section to have been validly issued.	19 20
<b>1.2 Amendments concerning electronic lodgment of documents</b>	21
<b>[1] Section 3 Definitions</b>	22
Omit the definition of <i>Lodge</i> from section 3(1)(a). Insert instead—	23
<i>Lodge</i> —Includes lodge electronically—	24
(a) in accordance with this Act or the <i>Electronic Conveyancing National Law (NSW)</i> , or	25 26
(b) in a way approved by the Registrar-General.	27
<b>[2] Section 12 Powers of Registrar-General</b>	28
Omit section 12(7). Insert instead—	29
(7) A power to correct errors and omissions conferred by subsection (1) includes a power to correct errors and omissions resulting from a malfunction of—	30 31
(a) an Electronic Lodgment Network or electronic system in which information is communicated between the Electronic Lodgment Network and the Registrar-General, or	32 33 34
(b) any other system, approved by the Registrar-General, that enables the lodgment of dealings, caveats, priority notices and other documents in electronic form.	35 36 37
<b>[3] Section 12E Conveyancing rules</b>	38
Omit section 12E(1)(e). Insert instead—	39
(e) the classes of conveyancing transactions that must be lodged electronically,	40 41

<b>[4] Section 12E(1)(g1)</b>	1
Insert after section 12E(1)(g)—	2
(g1) the way that consent may be given to the registration of caveats, dealings and documents,	3 4
<b>[5] Section 46 Transfers</b>	5
Insert after section 46(1)—	6
(1A) A transfer that creates an easement or a profit à prendre must be—	7
(a) executed by the registered proprietor of the land burdened and the land benefited, if any, and	8 9
(b) accompanied by the written consent of every mortgagee, chargee or covenant chargee under a mortgage, charge or covenant charge recorded in the folio of the Register for the land burdened.	10 11 12
<b>[6] Section 46A Creation of easements etc over own land by a dealing</b>	13
Omit section 46A(5). Insert instead—	14
(5) The instrument creating the easement, profit à prendre or restriction on the use of land must be—	15 16
(a) executed by the registered proprietor of the land benefited and the land burdened, and	17 18
(b) accompanied by the written consent of every mortgagee, chargee or covenant chargee under a mortgage, charge or covenant charge recorded in the folio of the Register for the land.	19 20 21
<b>[7] Section 47 Recording, variation and release of easements etc</b>	22
Omit section 47(5B). Insert instead—	23
(5B) The dealing effecting the variation and the plan, if any, must be—	24
(a) executed by the registered proprietor of the land benefited and the land burdened by the affecting interest, and	25 26
(b) accompanied by the written consent of every mortgagee, chargee or covenant chargee under a mortgage, charge or covenant charge recorded in the folio of the Register for the land.	27 28 29
<b>[8] Sections 61(4)(b), 74B(2)(c), 74C(1)(b)(ii), 74F(5)(c), 105(2)(c), 105D(1)(a)(ii) and 115A(1)</b>	30 31
Omit “by means of an Electronic Lodgment Network” wherever occurring.	32
Insert instead “electronically”.	33
<b>[9] Section 90 Transmission on bankruptcy</b>	34
Insert after section 90(2)—	35
(2A) An application under subsection (2) must include evidence, in the form approved by the Registrar-General, that identifies the bankrupt, within the meaning of the Commonwealth Act, as the registered proprietor of the land to which the application relates.	36 37 38 39
<b>[10] Section 117 Certificate of correctness</b>	40
Omit section 117(1)–(3). Insert instead—	41

- |     |   |             |
|-----|---|-------------|
| (1) | The Registrar-General may reject, or refuse to accept or to take any action in relation to, any primary application, dealing, caveat or priority notice unless it is certified as required by the conveyancing rules. | 1<br>2<br>3 |
| (2) | The Registrar-General may reject, or refuse to accept or to take any action in relation to, any dealing accompanied by a notice under section 39(1B) unless it is certified as required by the conveyancing rules.    | 4<br>5<br>6 |

<b>Schedule 2</b>	<b>Amendment of Real Property Regulation 2019</b>	1
<b>[1] Clause 5 Lodgment of dealings, caveats and priority notices</b>		2
	Insert “by means of an Electronic Lodgment Network” after “electronically” in clause 5(2).	3
<b>[2] Schedule 1 Fees</b>		4
	Omit “, certificate of title” wherever occurring in the matters relating to items 2 and 3 in the table to Part 1.	5 6
<b>[3] Schedule 1, Part 1, table, item 9</b>		7
	Omit “, Crown grant or certificate of title”. Insert instead “or Crown grant”.	8
<b>[4] Schedule 1, Part 1, table, item 12</b>		9
	Omit the matter relating to the item.	10
<b>[5] Schedule 1, Part 1, table</b>		11
	Omit the following—	12
	<b>Certificates of title</b>	
	22	On lodgment of an application for a new certificate of title under section 111 of the Act 1.2655

<b>Schedule 3</b>	<b>Amendment of other legislation</b>	1
<b>3.1</b>	<b>Anglican Church of Australia Trust Property Act 1917 No 21</b>	2
	<b>Section 34 Trusteeship</b>	3
	Omit “, and to have a certificate of title issued to them without any formal transfer”.	4
<b>3.2</b>	<b>Australian Oil Refining Agreements Act 1954 No 34</b>	5
	<b>Whole Act</b>	6
	Omit “or certificate of title” and “or Certificate of Title” wherever occurring.	7
<b>3.3</b>	<b>Coal Acquisition Act 1981 No 109</b>	8
	<b>Section 4 Effect of other Acts etc</b>	9
	Omit “certificate of title,” from section 4(b).	10
<b>3.4</b>	<b>Coal Mine Subsidence Compensation Act 2017 No 37</b>	11
[1]	<b>Section 4 Definitions</b>	12
	Omit “or” from the end of paragraph (b) of the definition of <i>subdivide</i> and <i>subdivision</i> in section 4(1).	13 14
[2]	<b>Section 4, definition of “subdivide and subdivision”</b>	15
	Omit paragraph (c).	16
<b>3.5</b>	<b>Community Land Development Act 1989 No 201</b>	17
[1]	<b>Section 3A Application of Act to electronic form plans and other documents</b>	18
	Omit “certificates of title and” wherever occurring.	19
[2]	<b>Section 40 Recording of certain orders</b>	20
	Omit section 40(3) and (4).	21
[3]	<b>Section 72 Termination of certain neighbourhood schemes by the Registrar-General</b>	22
	Omit section 72(5)(b).	23
[4]	<b>Schedule 9 Additions to association property by lease or transfer</b>	24
	Omit “certificate of title or” from clause 1(a).	25
[5]	<b>Schedule 9, clause 1(b)</b>	26
	Omit the paragraph.	27
[6]	<b>Schedule 12, clauses 2(2)(c), 3(1)(e) and (f), 4(2)(d) and 5(1)(d)</b>	28
	Omit the provisions.	29
<b>3.6</b>	<b>Community Land Management Act 1989 No 202</b>	30
[1]	<b>Section 9 Meeting to be held by original proprietor</b>	31
	Omit section 9(3)(e).	32

<b>[2] Section 9(4)</b>	1
Omit the subsection. Insert instead—	2
(4) Subsection (3) does not apply to documents that exclusively evidence rights or obligations of the original proprietor and are not capable of being used for the benefit of the association, a subsidiary body or the proprietor, other than the original proprietor, of a development lot, neighbourhood lot or strata lot.	3 4 5 6
<b>[3] Schedule 4 Inspection of records and provision of certificates</b>	7
Omit clause 1(1)(e).	8
<b>3.7 Conveyancing Act 1919 No 6</b>	9
<b>[1] Section 6A Application of Act to electronic form plans and other documents</b>	10
Omit “certificates of title and” wherever occurring.	11
<b>[2] Section 57 Conditions of sale of land under the provisions of the Real Property Act 1900</b>	12 13
Omit “the relevant certificate of title or other” from section 57(1)(c). Insert “a”.	14
<b>[3] Section 88E Regulation of use of land not held by a prescribed authority</b>	15
Insert “and” at the end of section 88E(3)(a).	16
<b>[4] Section 88E(3)(b) an (b1)</b>	17
Omit paragraph (b). Insert instead—	18
(b) is executed by the registered proprietor, and	19
(b1) is supported by the written consents required by the Registrar-General, and	20 21
<b>[5] Section 88J Production of title documents where sale, lease or foreclosure</b>	22
Omit “, certificate of title” from section 88J(1).	23
<b>[6] Section 88J(3)</b>	24
Omit “or, if appropriate, take action under section 111(3) of that Act”.	25
<b>[7] Section 89 Power of Court to modify or extinguish easements, profits à prendre and certain covenants</b>	26 27
Omit “For the purposes of this subsection, a grant, certificate of title or duplicate registered dealing that is not in the possession of the Registrar-General shall be deemed to be wrongfully retained within the meaning of section 136 of the <i>Real Property Act 1900</i> .” from section 89(8).	28 29 30 31
<b>[8] Section 96 Power for mortgagor to inspect title deeds</b>	32
Omit “the relevant certificate of title, or other document of title,” from section 96(2). Insert instead “a document of title”.	33 34
<b>[9] Section 98 Facilitation of redemption in case of deceased, absent or unknown mortgagees</b>	35 36
Omit section 98(4A). Insert instead—	37



(4A)	The Registrar-General is to make recordings in the Register kept under the <i>Real Property Act 1900</i> as the Registrar-General considers appropriate to give effect to the discharge of the mortgage if—	1
		2
		3
(a)	an application is made to the Registrar-General in the form approved under that Act, and	4
		5
(b)	a certificate under subsection (1F) relating to a mortgage under that Act is produced to the Registrar-General, and	6
		7
(c)	the fee prescribed under that Act is paid.	8
<b>[10]</b>	<b>Section 195G Registration of plans</b>	9
	Omit section 195G(2).	10
<b>3.8</b>	<b>Conveyancing (General) Regulation 2018</b>	11
<b>[1]</b>	<b>Clause 14 Electronic lodgment of documents—excluded documents</b>	12
	Omit “certificates of title,” from clause 14(a).	13
<b>[2]</b>	<b>Schedule 1 Fees</b>	14
	Omit “, a certificate of title” from the matter relating to item 26 of the table to Part 1.	15
<b>[3]</b>	<b>Schedule 1, Part 1, table, item 26</b>	16
	Omit “, certificate” wherever occurring.	17
<b>3.9</b>	<b>Conveyancing (Sale of Land) Regulation 2017</b>	18
	<b>Clause 3 Definitions</b>	19
	Omit “but does not include a certificate of title” from the definition of <i>property certificate</i> in clause 3(1).	20
		21
<b>3.10</b>	<b>Crimes Act 1900 No 40</b>	22
	<b>Section 4 Definitions</b>	23
	Omit “certificate of title,” from the definition of <i>Document of title to land</i> in section 4(1).	24
<b>3.11</b>	<b>Criminal Procedure Act 1986 No 209</b>	25
	<b>Schedule 3 Provisions relating to offences</b>	26
	Omit “certificate of title,” from the definition of <i>document of title to land</i> in clause 11(2).	27
<b>3.12</b>	<b>Crown Land Management Act 2016 No 58</b>	28
<b>[1]</b>	<b>Sections 4.9(8) and 4.14(4)</b>	29
	Omit “or certificate of title” wherever occurring.	30
<b>[2]</b>	<b>Section 13.1 Limitation on acquisition of title by possession against Crown</b>	31
	Omit section 13.1(3)(a).	32

<b>3.13 Crown Land Management Regulation 2018</b>	1
<b>Clause 41 Surrender of lands and leases</b>	2
Omit “or certificate of title” from clause 41(2)(b).	3
<b>3.14 Environmental Planning and Assessment Regulation 2000</b>	4
<b>[1] Schedule 1 Forms</b>	5
Omit “the certificate of title” from clause 4(1)(m)(i). Insert instead “an official search”.	6
<b>[2] Schedule 1, clause 4(8)</b>	7
Insert after clause 4(7)—	8
(8) In subclause (1)(m)(i), <i>official search</i> has the same meaning as in Part 11A of the <i>Real Property Act 1900</i> .	9 10
<b>3.15 Forestry Act 2012 No 96</b>	11
<b>Schedule 1 Special provisions relating to purchase-tenure land</b>	12
Omit “and is to make a corresponding recording on the grant or certificate of title upon its being produced” from clause 8(2)(b).	13 14
<b>3.16 Land Sales Act 1964 No 12</b>	15
<b>[1] Section 4 Requirements as to subdivisions</b>	16
Omit section 4(a)(ii).	17
<b>[2] Section 4(a)(iii)</b>	18
Omit “and no primary application has been lodged in the office of the Registrar-General for the issue to the vendor of a certificate of title for such land”.	19 20
<b>[3] Section 16 Implied undertakings in instalment contracts for sale of lots comprised in primary applications</b>	21 22
Omit “and the issue of a certificate of title for the land comprised in such application” from section 16(1)(c).	23 24
<b>3.17 Law Courts Limited Act 1977 No 10</b>	25
<b>Section 3 Vesting of land described in Schedule 1</b>	26
Omit section 3(3).	27
<b>3.18 National Parks and Wildlife Act 1974 No 80</b>	28
<b>[1] Section 71AG Registrar-General to enter particulars of vesting and lease in register</b>	29
Omit section 71AG(1). Insert instead—	30
(1) On publication of a proclamation under Division 3 or 4, the lease, completed with the date of execution and commencement of the term, must be lodged at the Land Titles Office.	31 32 33
<b>[2] Section 71AG(2)</b>	34
Omit “those documents”. Insert instead “the lease”.	35

<b>[3] Section 71AG(3)</b>	1
Omit the subsection.	2
<b>[4] Section 71AJ Dating and registration of re-negotiated lease</b>	3
Omit section 71AJ(2) and (3).	4
<b>3.19 Pipelines Act 1967 No 90</b>	5
<b>Section 21 Vesting of lands or easements in licensee</b>	6
Omit “certificate of title or” from section 21(4).	7
<b>3.20 Retirement Villages Act 1999 No 81</b>	8
<b>Section 36 Consequences of resident’s rescission of residence contract</b>	9
Omit “or certificate of title” from section 36(2)(b)(ii).	10
<b>3.21 Strata Schemes Development Act 2015 No 51</b>	11
<b>[1] Section 21 Requirement for certificate of title for common property</b>	12
Omit the section.	13
<b>[2] Section 26 Registration and effect of dealings</b>	14
Omit section 26(2). Insert instead—	15
(2) The dealing must be accompanied by a certificate, in the form approved by the Registrar-General, under the seal of the owners corporation certifying that the owners corporation authorised the dealing by special resolution.	16 17 18
<b>[3] Section 30, heading</b>	19
Omit “and certificates of title”.	20
<b>[4] Section 30(2)</b>	21
Omit section 30(2) and (3). Insert instead—	22
(2) To the extent a provision of the <i>Real Property Act 1900</i> can apply to a folio referred to in subsection (1), a reference in the provision to a folio includes a reference to a folio referred to in subsection (1) during any period for which the folio does not contain common property.	23 24 25 26
<b>[5] Section 80 Registering strata development contract and amendments</b>	27
Omit section 80(2). Insert instead—	28
(2) The Registrar-General may refuse to register an amendment of a strata development contract if the contract does not include a revised concept plan that will comply with section 77 after the amendment is registered.	29 30 31
<b>[6] Section 142 Application to Registrar-General for termination of strata scheme</b>	32
Omit section 142(5)(a).	33
<b>[7] Section 142(5)(b)</b>	34
Omit “the other”. Insert instead “any”.	35

<b>[8] Section 186 Ancillary orders</b>	1
Omit section 186(2)(c).	2
<b>[9] Section 197 Application of Act to electronic form plans and other documents</b>	3
Omit “a certificate of title or” wherever occurring.	4
<b>3.22 Strata Schemes Development Regulation 2016</b>	5
<b>[1] Schedule 7 Fees</b>	6
Omit the matter relating to item 1(c) in the table to Part 1.	7
<b>[2] Schedule 7, Part 1, table, item 5(b)</b>	8
Omit “certificate of title or”.	9
<b>[3] Schedule 7, Part 1, table, item 5(b)(i) and (ii)</b>	10
Omit “certificate or” wherever occurring.	11
<b>3.23 Strata Schemes Management Act 2015 No 50</b>	12
<b>[1] Section 16 Documents and records to be provided to owners corporation at first AGM</b>	13
Omit “(other than certificates of title for lots)” from section 16(1)(a).	14
<b>[2] Section 16(1)(c)</b>	15
Omit “the certificate of title for the common property,”.	16
<b>[3] Section 182 Requests for inspection of records of owners corporation</b>	17
Omit section 182(3)(d).	18
<b>[4] Section 246 Recording in Register of effect of certain orders</b>	19
Omit section 246(1)(b) and (2).	20
<b>3.24 The Great Synagogue, Sydney, Act 1931 (Private Act)</b>	21
<b>[1] Section 4 Vesting of property on which present Synagogue is erected</b>	22
Omit “or certificate of title” and “on the said certificates of title and” from section 4(b).	23
<b>[2] Section 4(b)</b>	24
Omit “and to issue in the name of the body corporate any such Crown grants or certificates of title and the said certificates of title or new certificates of title to such lands hereditaments and premises for an estate in fee simple free from any trust caveat or other notification without any request so to do as required by section fourteen of the <i>Real Property (Amendment) Act 1921</i> ”.	25
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<b>3.25 Uniform Civil Procedure Rules 2005</b>	31
<b>Rule 14.15 Pleadings concerning possession of land</b>	32
Omit “certificate of title,” from rule 14.15(2)(a).	33

**3.26 Walker Trusts Act 1938 No 31**

1

**Section 7 Entries in the register book**

2

Omit “, certificates of title”.

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