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NORTHERN TERRITORY OF AUSTRALIA

Act No. 3 of 2008

An Act to amend the *Land Title Act* and related legislation

[Assented to 11 March 2008]
[Second reading 29 November 2007]

The Legislative Assembly of the Northern Territory enacts as follows:

Part 1 Preliminary matters

1 Short title

This Act may be cited as the *Land Title and Related Legislation Amendment Act 2008*.

2 Commencement

This Act commences on the date fixed by the Administrator by *Gazette* notice.

Part 2 Amendment of Land Title Act

3 Act amended

This Part amends the *Land Title Act*.

4 Amendment of section 4 (Definitions)

(1) Section 4

insert (in alphabetical order)

consolidation, see section 3(1) of the *Planning Act*.

plan of consolidation means a plan approved by the Surveyor-General under section 49(3) of the *Licensed Surveyors Act* relating to the consolidation of lots otherwise than under the *Unit Titles Act*.

Registrar-General's direction means a direction in force under section 210.

- (2) Section 4, definition ***instrument***, paragraph (f), after "plan of subdivision"

insert

, or a plan of consolidation,

- (3) Section 4, definition ***lot***, paragraph (b)

omit

plan of subdivision,

substitute

plan of subdivision or a plan of consolidation;

- (4) Section 4, definition ***plan of subdivision***, after "the subdivision"

insert

of a lot otherwise than under the *Unit Titles Act*

- (5) Section 4, definition ***plan of survey***, after paragraph (a)

insert

(aa) a plan of consolidation of lots; and

5 Repeal and substitution of Part 4, Division 3 heading

Part 4, Division 3, heading

repeal, substitute

Division 3 Subdivision and consolidation

6 Repeal and substitution of section 51

Section 51

*repeal, substitute***51 Plan of subdivision and plan of consolidation**

- (1) A lot may be subdivided by the registration of a plan of subdivision on the application of the registered owner of the fee simple interest in the lot.
- (2) If the registered owner of the fee simple interest in each of 2 or more lots is the same person, the lots may be consolidated by the registration of a plan of consolidation on the application of the person.
- (3) Subsections (1) and (2) do not apply to a subdivision or consolidation under the *Unit Titles Act*.

Notes

A subdivision or consolidation under the Unit Titles Act requires the registration of a units plan or a document covered by section 9A of the Real Property (Unit Titles Act).

The Unit Titles Act and the Real Property (Unit Titles Act) sets out the requirements for the registration.

7 Amendment of section 52 (Requirements for registration of plan of subdivision)

- (1) Section 52, heading

*omit, substitute***Registration of plan**

- (2) Section 52(1)

omit

A plan of subdivision of a lot must –

*substitute*A plan of subdivision or a plan of consolidation (the **plan**) must:

- (3) Section 52(1)(a), at the end

insert

and

(4) Section 52(1)(b), (c) and (d)

omit, substitute

- (b) show all proposed easements and easements in gross for each proposed lot; and
- (c) identify any benefit or burden of covenants for each proposed lot; and
- (d) mark each proposed lot with a distinct number.

(5) Section 52(2)

omit, substitute

(2) The Registrar-General must not register the plan unless:

- (a) each registered owner and mortgagee, in relation to the lot to be subdivided, or a lot to be consolidated, has consented to the plan; and
- (b) a development permit has been issued under the *Planning Act* for the subdivision or consolidation.

(6) Section 52(3)

omit

a plan of subdivision of a lot unless consents to the plan of subdivision

substitute

the plan unless consents to the plan

(7) Section 52(3)(b)

omit

the lot

substitute

the lot to be subdivided, or a lot to be consolidated,

(8) Section 52(3)(c) and (f)

omit

the lot

substitute

the lot to be subdivided, or a lot to be consolidated

- (9) Section 52(4) and (6)

omit

of subdivision

- (10) Section 52(7)

omit

a plan of subdivision

substitute

the plan

- (11) Section 52(10) and (11)

omit

subdivision

substitute

subdivision or consolidation

- (12) After section 52(11)

insert

Note

Some of the provisions in this section are applied (with changes) for the registration of a document relating to a subdivision or consolidation under the Unit Titles Act for section 7 or 9DA of the Real Property (Unit Titles) Act.

8 Amendment of section 53 (Particulars to be recorded on registration of plan)

Section 53, after "plan of subdivision"

insert

or a plan of consolidation

9 Amendment of section 54 (Division excluding road, railway or watercourse)

(1) Section 54, heading

omit, substitute

Exclusion of road, railway and watercourse

(2) Section 54(1), after "plan of subdivision,"

insert

or consolidated with other lots by a plan of consolidation,

(3) Section 54(2)

omit

of subdivision

10 Repeal of section 55

Section 55

repeal

11 Repeal and substitution of Part 6, Division 4, Subdivision 2 heading

Part 6, Division 4, Subdivision 2, heading

repeal, substitute

Subdivision 2 Creating easements or easements in gross by registering plans of subdivision or consolidation

12 Amendment of section 101 (Easement or easement in gross only created in accordance with subdivision)

(1) Section 101, heading

omit

subdivision

substitute

this Subdivision

- (2) Section 101, after "plan of subdivision"

insert

, or a plan of consolidation,

- (3) Section 101

omit

is registered

substitute

are registered

13 Amendment of section 102 (Creation of easement or easement in gross by plan of subdivision)

- (1) Section 102, heading

omit, substitute

Creation of easement or easement in gross by plan of subdivision or consolidation

- (2) Section 102, after "plan of subdivision"

insert

, or a plan of consolidation,

14 Amendment of section 103 (Instrument of easement or easement in gross to be lodged)

Section 103

omit

of subdivision

15 Amendment of section 105 (Instrument of easement or easement in gross may be lodged)

Section 105

omit

of subdivision

16 Repeal and substitution of Part 6, Division 5, Subdivision 2 heading

Part 6, Division 5, Subdivision 2, heading

repeal, substitute

Subdivision 2 Creating covenants by registering plans of subdivision or consolidation

17 Amendment of section 115 (Covenant only created in accordance with subdivision)

(1) Section 115, heading

omit

subdivision

substitute

this Subdivision

(2) Section 115, after "plan of subdivision"

insert

, or a plan of consolidation,

(3) Section 115

omit

is registered

substitute

are registered

18 Amendment of section 116 (Creation of covenant by plan of subdivision)

(1) Section 116, heading

omit, substitute

Creation of covenant by plan of subdivision or consolidation

(2) Section 116(1)(a), after "plan of subdivision"

insert

, or a plan of consolidation,

(3) Section 116(1)(a)

omit (all references)

the lots or parts of lots

substitute

the lot or part of the lot

(4) Section 116(3)

omit

a plan of subdivision

substitute

the plan

19 Repeal and substitution of Part 12 heading

Part 12, heading

repeal, substitute

Part 12 Transitional matters for *Land Title Act 2000*

20 New Part 13

After section 218

insert

Part 13 Transitional matters for *Land Title and Related Legislation Amendment Act 2008*

219 Application

- (1) The amendments apply to a plan of subdivision, or a plan of consolidation, lodged with the Registrar-General on or after the commencement.

(2) In this section:

amendments means the amendments made to this Act by the *Land Title and Related Legislation Amendment Act 2008*.

commencement means the commencement of the amendments.

Part 3 Amendment of Real Property (Unit Titles) Act

21 Act amended

This Part amends the *Real Property (Unit Titles) Act*.

22 Amendment of section 7 (Documents to be included in proposals)

(1) Section 7, heading

omit, substitute

Requirements for registration of units plans

(2) Section 7(1)(b)

omit

Minister

substitute

Surveyor-General

(3) Section 7(1)(d)

omit, substitute

(d) the written consent of each person whose consent is required for the registration of the units plan under the provisions applied under subsection (1A);

(4) Section 7(1)(a) and (b), at the end

insert

and

(5) After section 7(1)

insert

(1A) For this section, the provisions in section 52(2) to (11) of the *Land Title Act* (the **applied provisions**) apply with the following changes:

- (a) a reference in the applied provisions to the plan is taken to be a reference to the units plan;
- (b) a reference in section 52(3) of the applied provisions to the lot to be subdivided or a lot to be consolidated is taken to be a reference to the parcel to which the units plan relates;
- (c) a reference in section 52(10) and (11) of the applied provisions to a subdivision or consolidation is taken to be a reference to the subdivision to which the units plan relates;
- (d) if the consent of any of the following would otherwise be required for the registration of the units plan under the applied provisions, the consent is not required:
 - (i) a service authority as defined in section 3(1) of the *Planning Act*;
 - (ii) a referral authority as defined in section 60(1) of that Act for a planning scheme;
 - (iii) a person who has consented in writing to the proposal to which the units plan relates.

(1B) Subsection (1A)(d)(iii) has no effect for a person if:

- (a) the proposal has been changed; and
- (b) the person has not consented to the change.

(1C) Section 210 of the *Land Title Act* applies with necessary changes for the issuing of Registrar-General's directions for the applied provisions.

(6) Section 7(2)

omit

All the words from "The registered proprietor" to "if –"

substitute

Subject to subsections (1A) to (1C), the registered proprietor of an estate or interest in a parcel of land to which a units plan for a

condominium development relates is taken to have consented to the units plan if:

(7) Section 7(2)(a)

omit

a condominium or estate development

substitute

the condominium development

(8) Section 7(2)(a), at the end

insert

or

(9) Section 7(2)(b)

omit

for the purposes of section 11(3) of the *Unit Titles Act*

substitute

for the applied provisions, or section 11(3) of the *Unit Titles Act* as in force immediately before the commencement of the amendment of that Act by the *Land Title and Related Legislation Amendment Act 2008*,

(10) Section 7(2)(c)

omit

or estate

23 Amendment of section 9B (Registration of units plan of subdivision and consolidation)

(1) Section 9B

omit

The Registrar-General

substitute

Subject to section 9DA, the Registrar-General

(2) Section 9B(f)

omit

(3) Section 9B(a) to (e) and (g), at the end

insert

and

24 Amendment of section 9C (Registration of notice of conversion)

(1) Section 9C

omit

The Registrar-General

substitute

Subject to section 9DA, the Registrar-General

(2) Section 9C(f)

omit

and

(3) Section 9C(g)

omit

(4) Section 9C(a) to (e), at the end

insert

and

25 Amendment of section 9D (Registration of building alteration plan)

(1) Section 9D

omit

The Registrar-General

substitute

Subject to section 9DA, the Registrar-General

(2) Section 9D(f)

omit

and

(3) Section 9D(g)

omit

(4) Section 9D(a) to (e), at the end

insert

and

26 New section 9DA

After section 9D

insert

9DA Requirements for registration of documents

(1) For the registration of a document covered by section 9A, the provisions in section 52(2) to (11) of the *Land Title Act* (the ***applied provisions***) apply with the following changes:

- (a) a reference in the applied provisions to the plan is taken to be a reference to the document;
- (b) a reference in section 52(3) of the applied provisions to the lot to be subdivided or a lot to be consolidated is taken to be a reference to the parcel to which the document relates;
- (c) a reference in section 52(10) and (11) of the applied provisions to a subdivision or consolidation is taken to be a reference to the subdivision, consolidation, conversion, alteration or change to which the document relates;
- (d) if the consent of any of the following would otherwise be required for the registration of the document under the applied provisions, the consent is not required:
 - (i) a service authority as defined in section 3(1) of the *Planning Act*;
 - (ii) a referral authority as defined in section 60(1) of that Act for a planning scheme;
 - (iii) a person who has consented in writing to the proposal to

which the document relates.

- (2) Subsection (1)(d)(iii) has no effect for a person if:
 - (a) the proposal has been changed; and
 - (b) the person has not consented to the change.
- (3) Section 210 of the *Land Title Act* applies with necessary changes for the issuing of Registrar-General's directions for the applied provisions.

27 New Part V

After section 23

insert

Part V Transitional matters for *Land Title and Related Legislation Amendment Act 2008*

24 Application

- (1) The amendments apply to a units plan, or a document covered by section 9A, lodged with the Registrar-General on or after the commencement.
- (2) In this section:

amendments means the amendments made to this Act by the *Land Title and Related Legislation Amendment Act 2008*.

commencement means the commencement of the amendments.

Part 4 Amendment of Unit Titles Act

28 Act amended

This Part amends the *Unit Titles Act*.

29 Amendment of section 4 (Interpretation)

Section 4(1)

insert (in alphabetical order)

management module means a management module prescribed by regulation under section 58.

Surveyor-General, see section 4 of the *Licensed Surveyors Act*.

30 Amendment of section 11 (Documents to be included in proposals)

Section 11(3)

omit, substitute

- (3) If a lease has been granted under the *Crown Lands Act* for the whole or part of the parcel, the proposal must be accompanied by:
- (a) the written consent of the Minister administering that Act to the proposed subdivision; and
 - (b) any other documents required by the Registrar-General for the conversion of the interest in the lease into an estate in fee simple.

31 Amendment of section 16 (Condition of approval)

(1) Section 16(1)

omit

(1) The

substitute

The

(2) Section 16(1)(a)

omit

(3) Section 16(1)(b), at the end

insert

and

(4) Section 16(1)(d)

omit, substitute

- (d) a development permit has been issued under section 54 of the *Planning Act* indicating:
- (i) the consent of the relevant consent authority under that Act to the subdivision of the land in accordance with the proposals; and

- (ii) that the determination to which the consent relates is conditional on the applicant's compliance with the provisions in the proposals.

32 Amendment of section 21A (Unanimous consent required)

Section 21A(b)(ii)

omit, substitute

- (ii) unless each person whose consent is required for the subdivision, consolidation, conversion, alteration or change under section 9DA of the *Real Property (Unit Titles) Act* has given the consent.

33 Repeal and substitution of section 26D

Section 26D

repeal, substitute

26D Security for proposal

- (1) In approving a condominium development proposal, the Surveyor-General must:
 - (a) consider whether security is required for the proposal; and
 - (b) if the Surveyor-General considers security is required for the proposal – seek the Minister's approval for the requirement.
- (2) The purpose of the security is to provide for any damages that may be payable to a claimant if there is a failure of the developer:
 - (a) to comply with this Act; or
 - (b) to complete the development or a stage of it in accordance with the disclosure statement.
- (3) The Minister may:
 - (a) give the approval; and
 - (b) specify in the approval the following requirements:
 - (i) the form and amount of the security;
 - (ii) how and by whom the security must be given and maintained.
- (4) If the Minister gives the approval, the Surveyor-General must, when

approving the proposal:

- (a) specify the requirements mentioned in subsection (3)(b) as conditions for the approval of the proposal; and
- (b) specify that the approval of the proposal is subject to the compliance of the conditions.

(5) In this section:

claimant means:

- (a) a proprietor of a unit in the development; or
- (b) a person who has entered into a contract with the developer for the purchase of a proposed unit in the development.

34 Repeal and substitution of section 26G

Section 26G

repeal, substitute

26G Transfer of developer's interest

(1) This section applies if:

- (a) a units plan for a completed stage of a condominium development is registered; and
- (b) the developer proposes to transfer all of the developer's interest in the development to another person (the ***transferee***).

(2) The developer must not do so unless:

- (a) the developer applies to the Minister in the approved form for the Minister's approval of the transfer; and
- (b) the Minister approves the transfer in writing.

(3) The Minister must not approve the transfer unless:

- (a) if an application has been made under section 26J for a variation of the disclosure statement for the development to take effect after the transfer – the variation is approved by the Surveyor-General; and
- (b) if security is required for the variation – the security has been given and is maintained as so required.

- (4) The developer must:
- (a) before applying for the approval of the transfer, give a written notice of the proposed transfer to each corporation arising from a completed stage of the development; and
 - (b) give a written notice of the Minister's decision on the application to each such corporation after being notified of the decision.

- (5) In this section:

approved form means a form approved by the Minister.

the developer's interest in the development does not include the developer's interest as the proprietor of a unit in the development.

35 Amendment of section 26H (Damage for failure, &c., of developer)

- (1) Section 26H, heading

omit

, **&c.**,

- (2) After section 26H(2)

insert

- (3) The proprietor's consent to a variation of the statement does not prevent the proprietor from acting under this section in relation to the statement as in force before the variation.
- (4) This section has effect subject to any agreement between the proprietor and the developer.

36 Amendment of section 26J (Variation of disclosure statement)

- (1) Section 26J(1)

omit

Minister

substitute

Surveyor-General

- (2) Section 26J(1)
omit
Minister's
substitute
Surveyor-General's
- (3) After section 26J(1)
insert
- (1A) A transferee mentioned in section 26G may apply to the Surveyor-General for a variation of the disclosure statement under subsection (1) as if the transferee were the developer.
- (4) Section 26J(2)(c) and (3)
omit
Minister
substitute
Surveyor-General
- (5) After section 26J(3)
insert
- (4) A variation approved because of subsection (1A) may take effect only after the transfer mentioned in section 26G to which the variation relates has occurred.
- (5) In subsection (1):
Surveyor-General's approval, of the subdivision proposed in the disclosure statement, includes the Minister's approval of such a subdivision given before the commencement of the amendment of this section by the *Land Title and Related Legislation Amendment Act 2008*.

37 Repeal and substitution of section 26S

Section 26S

*repeal, substitute***26S Security for proposal**

- (1) In approving an estate development proposal, the Surveyor-General must:
 - (a) consider whether security is required for the proposal; and
 - (b) if the Surveyor-General considers security is required for the proposal – seek the Minister's approval for the requirement.
- (2) The purpose of the security is to provide for any damages that may be payable to a claimant if there is a failure of the developer:
 - (a) to comply with this Act; or
 - (b) to complete the development.
- (3) The Minister may:
 - (a) give the approval; and
 - (b) specify in the approval the following requirements:
 - (i) the form and amount of the security;
 - (ii) how and by whom the security must be given and maintained.
- (4) If the Minister gives the approval, the Surveyor-General must, when approving the proposal:
 - (a) specify the requirements mentioned in subsection (3)(b) as conditions for the approval of the proposal; and
 - (b) specify that the approval of the proposal is subject to the compliance of the conditions.
- (5) In this section:

claimant means:

 - (a) a proprietor of a lot in the development; or
 - (b) a person who has entered into a contract with the developer for the purchase of a proposed lot in the development.

38 Repeal and substitution of section 26U

Section 26U

*repeal, substitute***26U Transfer of developer's interest**

- (1) This section applies if:
 - (a) a units plan for a completed stage of an estate development is registered; and
 - (b) the developer proposes to transfer all or part of the developer's interest in the development to another person (the **transferee**).
- (2) The developer must not do so unless:
 - (a) the developer applies to the Minister in the approved form for the Minister's approval of the transfer; and
 - (b) the Minister approves the transfer in writing.
- (3) The Minister must not approve the transfer unless:
 - (a) if an application has been made under section 26W for a variation of the disclosure statement for the development to take effect after the transfer – the variation is approved by the Surveyor-General; and
 - (b) if security is required for the variation – the security has been given and is maintained as so required.
- (4) The developer must:
 - (a) before applying for the approval of the transfer, give a written notice of the proposed transfer to each corporation arising from a completed stage of the development; and
 - (b) give a written notice of the Minister's decision on the application to each such corporation after being notified of the decision.

- (5) In this section:

approved form means a form approved by the Minister.

the developer's interest in the development does not include the developer's interest as the proprietor of:

- (a) a lot in the development; or
- (b) a unit into which a lot in the development is further subdivided under this Act.

39 Amendment of section 26V (Damage for failure, &c., of developer)

- (1) Section 26V, heading

omit

, **&c.**,

- (2) After section 26V(2)

insert

- (3) The proprietor's consent to a variation of the statement does not prevent the proprietor from acting under this section in relation to the statement as in force before the variation.
- (4) This section has effect subject to any agreement between the proprietor and the developer.

40 Amendment of section 26W (Variation of disclosure statement)

- (1) Section 26W(1)

omit

Minister

substitute

Surveyor-General

- (2) Section 26W(1)

omit

Minister's

substitute

Surveyor-General's

- (3) After section 26W(1)
insert
- (1A) A transferee mentioned in section 26U may apply to the Surveyor-General for a variation of the disclosure statement under subsection (1) as if the transferee were the developer.
- (4) Section 26W(4) and (5)
omit
Minister
substitute
Surveyor-General
- (5) After section 26W(5)
insert
- (6) A variation approved because of subsection (1A) may take effect only after the transfer mentioned in section 26U to which the variation relates has occurred.
- (7) In subsection (1):
Surveyor-General's approval, of the subdivision proposed in the disclosure statement, includes the Minister's approval of such a subdivision given before the commencement of the amendment of this section by the *Land Title and Related Legislation Amendment Act 2008*.
- 41 Amendment of section 26ZI (Lodging of building development plan)**
Section 26ZI(4)
omit
- 42 New section 27A**
Before section 27, in Part V, Division 1
insert
- 27A Definitions**
In this Part:

this Part includes a management module.

43 Repeal and substitution of section 29

Section 29

repeal, substitute

29 Body corporate may appoint representative

- (1) A body corporate that is a proprietor of a unit may appoint a person as its representative for this Part.
- (2) The appointment must be made in accordance with the management module that applies to the corporation to which the unit plan for the unit relates.
- (3) While the appointment is in force, this Part applies to the representative as if the representative were the proprietor.

44 Amendment of section 30A (Seal of corporation)

- (1) Section 30A(3)

omit

section 54

substitute

the management module that applies to the corporation

- (2) Section 30A(4)

omit

a delegation made under section 54

substitute

the delegation

45 Repeal of sections 48 to 50, 52 and 53A to 56

Sections 48 to 50, 52 and 53A to 56

repeal

46 Repeal and substitution of Part V, Divisions 4 and 5

Part V, Divisions 4 and 5

repeal, substitute

Division 4 Management modules**58 Management modules**

- (1) The regulations may:
 - (a) prescribe management modules for corporations; and
 - (b) provide for the application to a corporation of a management module; and
 - (c) make other provisions (such as transitional provisions) for the application.
- (2) A management module must specify:
 - (a) how a corporation may make a decision (including, for example, requirements about meetings and voting of the committee of the corporation); and
 - (b) the records that must be kept by the corporation; and
 - (c) any other requirements about the management of the corporation.
- (3) Without limiting subsection (1)(c), the regulations may provide:
 - (a) for a specified period after the commencement of this section – the application to a corporation of this Part as in force before the commencement; and
 - (b) the application of a management module to the corporation after the end of the period.

47 New Part XI

After section 111

insert

Part XI Transitional matters for *Land Title and Related Legislation Amendment Act 2008***112 Application**

- (1) The amendments relating to an approval for a subdivision or consolidation under this Act apply to an application made on or after the commencement for such an approval.
- (2) The amendments relating to the requirements for a disclosure statement or its variation apply to such a statement or variation lodged with the Registrar-General on or after the commencement.
- (3) The amendments relating to the provision of security for an approval under section 26D or 26S apply to such an approval made on or after the commencement.
- (4) The amendments relating to the transfer of a developer's interest under section 26G or 26U apply to such a transfer that occurs on or after the commencement.
- (5) The amendments to sections 21A and 26ZI for a document covered by section 9A of the *Real Property (Unit Titles) Act* apply to such a document lodged with the Registrar-General on or after the commencement of the amendments made to that Act by the amending Act.
- (6) In this section:

amending Act means the *Land Title and Related Legislation Amendment Act 2008*.

amendments means:

- (a) the amendments made to this Act by the amending Act; and
- (b) in relation to a particular matter – each of the amendments mentioned in paragraph (a) that relates to the matter.

commencement means the commencement of the amendments.

48 Further amendments

The Schedule has effect.

Part 5 Amendment of Planning Act**49 Act amended**

This Part amends the *Planning Act*.

50 Amendment of section 3 (Interpretation)

Section 3(1), definition **consolidation**, paragraph (b)
omit

51 Amendment of section 5 (Meaning of "subdivision")

Section 5(2)(b)
omit

52 Amendment of section 61 (Subdivisions etc. to be approved under *Licensed Surveyors Act*)

Section 61
omit
all the words after "*Licensed Surveyors Act*"

53 New Part 13

After section 199
insert

Part 13 Transitional matters for *Land Title and Related Legislation Amendment Act 2008***200 Application**

- (1) The amendments apply to a relevant subdivision or relevant consolidation for which a units plan or a document covered by section 9A of the *Real Property (Unit Titles) Act* is lodged with the Registrar-General on or after the commencement.

Examples

- 1 A development permit may be issued for a consolidation under a units plan of

consolidation if the plan is lodged with the Registrar-General on or after the commencement.

2 *Section 61 as amended by the Land Title and Related Legislation Amendment Act 2008 does not apply to a subdivision under a units plan lodged with the Registrar-General before the commencement.*

(2) In this section:

amendments means the amendments made to this Act by the *Land Title and Related Legislation Amendment Act 2008*.

commencement means the commencement of the amendments.

relevant consolidation means a consolidation under the *Unit Titles Act*, other than a consolidation of:

- (a) lots defined for Part IVB of that Act; or
- (b) building lots defined for Part IVC of that Act.

relevant subdivision means a subdivision under the *Unit Titles Act* as defined for Part III, or in section 4(6), of that Act.

Part 6 Amendment of Law of Property Act

54 Act amended

This Part amends the *Law of Property Act*.

55 New section 72A

After section 72

insert

72A Computer failure

- (1) This section applies to a contract for the sale of land if:
 - (a) the contract is entered on or after the commencement of this section; and
 - (b) time is of the essence for the contract; and
 - (c) the purchaser cannot verify the vendor's title to the land on the date of the completion of the contract only because of a failure (the **computer failure**) of the computer system at the Land Titles Office; and
 - (d) as a result, the contract is not completed on that date.

- (2) Subject to any contrary provision in the contract:
- (a) time ceases to be of the essence for the contract; and
 - (b) the contract is not breached because of the failure to complete the contract; and
 - (c) a party to the contract may give notice, for the completion of the contract, after the first day during which the computer system is again operational continuously following the computer failure; and
 - (d) the notice must state a period not exceeding 7 business days from the giving of the notice for the completion of the contract; and
 - (e) when the notice is received by the other party to the contract, time is of the essence again for the contract.
- (3) To avoid doubt, this section may apply more than once for the contract.

Schedule Further amendments of Unit Titles Act

section 48

Provision	Amendment	
	omit	substitute
sections 10(1), 15(1) and (2), 16(1), 17, 18, 19, 20(1) and (4), 21(2), 21B(2)(c)(ii), 21FA(3), 26B(1), 26E(1), 26Q(1), 26T(1) and 26X(1) and (2)	Minister (all references)	Surveyor-General
section 18, heading	Minister	Surveyor-General
section 18	the condition referred to in section 17	a specified condition
sections 26B(3)(b), 26J(2)(b), 26Q(3)(c), 26W(2)(b) and 26ZL(3)(c)	53	54
section 26N, definition approved	whole definition	
section 26X(1)	Minister's	Surveyor-General's
section 26ZL(2)	Minister	Minister administering the <i>Crown Lands Act</i>