

Serial 21
Real Property
(Consequential
Amendments)
Mr Manzie

NORTHERN TERRITORY OF AUSTRALIA

REAL PROPERTY (CONSEQUENTIAL AMENDMENTS) BILL 1991

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SCHEDULE



NORTHERN TERRITORY OF AUSTRALIA

A BILL for AN ACT

to amend various Acts consequential on the
passing of the *Real Property
Amendment Act 1991*

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Real Property (Consequential Amendments) Act 1991*.

2. COMMENCEMENT

The various provisions of this Act shall come into operation on such date or dates as is or are respectively fixed by the Administrator by notice in the *Gazette*.

3. AMENDMENT OF *CROWN LANDS ACT*

(1) Section 5 of the *Crown Lands Act* is amended by inserting after the definition of "planning instrument" the following:

"'Register' means the Register under the *Real Property Act*;"

(2) Section 14A of the *Crown Lands Act* is repealed and the following substituted:

"14AA. AGREEMENT TO GRANT ESTATE IN FEE SIMPLE OR LEASE OF CROWN LAND

"(1) Where a person has a right to be granted an estate in fee simple in or a lease of Crown land, the Minister may, in his discretion and in the prescribed form, lodge with the Registrar-General details of the means by which the right arose.

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"(2) On the lodgement of the details referred to in subsection (1), the Registrar-General shall, under the *Real Property Act*, create a folio of the Register and shall issue a certificate as to title in relation to the land.

"(3) Notwithstanding that a lease of Crown land has not been signed by the lessee or the lessor, a folio of the Register created, and a certificate as to title issued, in relation to the land by the Registrar-General shall be deemed to be a lease.

"14A. CERTAIN LAND TO REVERT

"(1) Where the Territory is the owner of land in which no person other than the Crown has a registered interest, the Minister may, by instrument accompanied by the certificate as to title or other evidence as to title, direct the Registrar-General to cancel the folio of the Register and the certificate as to title in respect of the land and the Registrar shall comply with the direction.

"(2) Where a folio of the Register is cancelled in accordance with subsection (1), the land to which it relates is, on the cancellation, unalienated Crown land."

(3) Section 20 of the *Crown Lands Act* is repealed and the following substituted:

"20. RESERVATION OF MINERALS

"(1) An estate in fee simple, however acquired, is subject to a reservation to the Crown of all minerals, mineral substances and ores in or upon the land including gems, stones, sands, valuable earths and fossil fuels, together with the right to authorize any person to enter upon the land to explore for and to mine or otherwise recover and remove them and to do all things necessary or convenient for those purposes.

"(2) The folio in the Register and the certificate as to title in relation to an estate in fee simple, however acquired, shall be construed as containing the reservation referred to in subsection (1)."

4. AMENDMENT OF *SPECIAL PURPOSES LEASES ACT*

The *Special Purposes Leases Act* is amended by inserting after section 4 the following:

"5AA. AGREEMENT TO GRANT LEASE FOR SPECIAL PURPOSE

"(1) Where a person has a right to be granted a lease for a special purpose of unleased land referred to in section 4(1), the Minister may, in his discretion and in the prescribed form, lodge with the Registrar-General details of the means by which the right arose.

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"(2) On the lodgement of the details referred to in subsection (1), the Registrar-General shall, under the *Real Property Act*, create a folio of the Register and shall issue a certificate as to title in relation to the land.

"(3) Notwithstanding that a lease of land for a special purpose has not been signed by the lessee or the lessor, a folio of the Register created, and a certificate as to title issued, in relation to the land by the Registrar-General shall be deemed to be a lease."

5. REFERENCES TO CERTIFICATE OF TITLE, &c.

- (1) Where, in a provision of -
 - (a) an Act;
 - (b) any Regulations; or
 - (c) a law of the State of South Australia in its application to the Territory as a law of the Territory,

the expression "certificate of title" or "duplicate certificate" occurs (wherever occurring other than as amended in accordance with this Act or with the *Real Property Amendment Act 1991*), it shall be read as a reference to a "folio of the Register" or a "certificate as to title", as the case requires.

(2) A duplicate certificate of title, issued before the commencement of this Act in accordance with section 48 of the *Real Property Act* has the same force and effect as, and for all purposes is deemed to be, a certificate as to title.

6. SAVINGS

Where, before the commencement of this Act, the procedure for a grant of an estate in fee simple or a lease of Crown land has commenced in accordance with an Act, the grant or lease shall continue in accordance with the Act under which it was commenced as if this Act and the *Real Property Amendment Act 1991* had not been passed by the Legislative Assembly.

7. CONSEQUENTIAL AMENDMENTS

(1) The provisions of the Acts and Regulations specified in the Schedule are amended as provided for in the Schedule.

(2) A regulation amended as provided for in the Schedule may be repealed or further amended by regulations as if the amendments made by this Act were duly made by regulations.

Real Property (Consequential Amendments)

SCHEDULE

Section 7

Provision	Amendment	
	omit	substitute
<i>Administration and Probate Act</i>		
Section 84(3) and (5)	"certificate of title"	"certificate as to title"
<i>Cobourg Peninsula Aboriginal Land and Sanctuary Act</i>		
Section 14(1)	the whole subsection	
Section 14(2)	"register book referred to in subsection (1)"	"Register"
<i>Companies (Trustees and Personal Representatives) Act</i>		
Section 39C(1)(b)	"certificate of title"	"certificate as to title"
<i>Control of Roads Act</i>		
Section 26	"certificate of title"	"certificate as to title"
Section 28	"certificate of title or lease" (twice occurring)	"certificate as to title"
Section 29(1)	"certificate of title"	"certificate as to title"
	"Book or in the Register Book of Crown Leases, as the case may be"	
Section 29(2)	"land grant of, certificate of title to, or a lease of,"	"certificate as to title"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
	"certificate of title or lease"	"certificate as to title"
	"land grant, certificate of title or lease, as the case may be,"	"certificate as to title"
Section 29(4)(a) and (b)	the whole paragraphs	
<i>Crown Lands Act</i>		
Section 10B(7)	"endorsement of the details of the memorandum on the existing adjoining pastoral lease"	"making of the appropriate amendment to the Register"
Section 10B(7A)	all words after and including "the lease, and the Registrar-General"	"the lease."
Section 14(1)	"prescribed form"	"form prescribed under the <i>Real Property Act</i> "
Section 23F(1)	"to execute the lease"	"to accept the offer"
	"agreement"	"offer"
Section 23F(2)	", if the lease had been executed,"	
Section 23K(1)	"produced to"	"lodged with"
Section 23K(2)	all words after "Registrar-General"	"shall record the details in the Register."
Section 36EA	"certificate of title or Crown lease registered"	"folio of the Register"
Section 36K	"produced to"	"lodged with"
	all words after "he shall"	"record the details in the Register."

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 59A(9)	"and, upon the endorsement of the details of the memorandum on each lease"	", make appropriate amendments to the Register and"
Section 59(9A)	all words after "the Registrar-General shall"	"make appropriate amendments to the Register."
Section 91(3)	"filing"	"lodging"
	all words after "issue to the council"	"an appropriate certificate as to title."
Section 103A(1)(a)	all words after "the Registrar-General shall"	"record the details in the Register."
Section 103A(2)	"forward to"	"lodge with"
	all words after "Registrar-General shall"	"record the details in the Register."
Section 106E(4)	"forward to"	"lodge with"
	"for the Northern Territory"	
Section 106E(5)	"receipt" (twice occurring)	"lodgement"
	"copy of the lease"	"copy of the lease or the certificate as to title for the lease"
	"forwarded to him"	"lodged with him"
Section 131(1)(h)	"standard lease forms and"	
<i>Electricity Act</i>		
Section 30A(5)	"certificate of title or Crown lease registered"	"certificate as to title"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
<i>Mining Act</i>		
Section 4		
- definition of "owner"	"book"	
	"The Real Property Act"	"the Real Property Act"
<i>Presbyterian Church (Northern Territory) Property Trust Act</i>		
Section 26(1)		
	"Book"	
	"duplicate certificate of title" (twice occurring)	"certificate as to title"
<i>Real Property (Unit Titles) Act</i>		
Section 7(c)		
	"duplicate certificate of title" (twice occurring)	"certificate as to title"
Sections 8(5)(a) and (b) and 9(a)(ii), (c), (d), (da), (ea), (f) and (g)		
	"certificate of title"	"certificate as to title"
Section 9(a)(i)		
	the whole subparagraph	"cancel the certificate as to title"
Section 9B(c)		
	"duplicate certificate of title"	"certificate as to title"
Section 9C(b)		
	"duplicate certificates of title"	"certificates as to title"
Section 9D(c)		
	"duplicate certificate of title"	"certificate as to title"

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Provision	Amendment	
	omit	substitute
Section 9E(5)(a) and (b)	"certificate of title"	"folio of the Register"
Section 9F(a)	"certificate or certificates of title"	"folio or folios of the Register"
Section 9F(b) and (c)	"certificate of title"	"certificate as to title"
Section 9F(e) and (f)	"certificate of title"	"folio of the Register"
Section 9G(a)	"certificate or certificates of title"	"folio or folios of the Register"
Section 9H(a)	"certificate of title"	"record in the Register"
Section 9J	"Book"	
	"certificate of title"	"folio of the Register"
Section 12(1)(b) and (d)	"certificate of title"	"folio of the Register"
Section 12(1)(c)	"certificate of title"	"certificate as to title"
Section 12(2)	the whole subsection	"(2) The Registrar-General may, in his absolute discretion, refuse to issue a certificate as to title if documents as required by the Registrar-General are not lodged with the Registrar-General by the proprietor of a unit."
Section 12(3)	"certificate of title"	"certificate as to title"
	"the document"	"a document"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 12(4)	"certificate of title"	"certificate as to title"
Section 14(a)	"certificate of title and the duplicate certificate of title"	"folio of the Register and the certificate as to title"
Section 16(1) and (2)	"certificate of title"	"folio of the Register"
Section 17	"certificate of title, and the duplicate certificate of title"	"folio of the Register and the certificate as to title"
<i>Shire of Litchfield (Transitional Rating) Act</i>		
Section 4(1)(b)	"certificate of title"	"certificate as to title"
<i>Special Purposes Leases Act</i>		
Section 3		
- definition of "lease"	the whole definition	"'lease' means a lease granted under this Act in accordance with the form prescribed under the <i>Real Property Act</i> ;"
Sections 23(3) and 25(2)(a)	"Book"	
<i>Trustee Act</i>		
Section 57I	the whole section	
Section 57II	"be registered in the Land Titles Registration Office, and"	"be lodged with the Registrar-General"
	"register book"	"Register"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Section 58	"register book"	"Register"
	"Real Property Act"	" <i>Real Property Act</i> "
Section 76	"register book"	"Register"
	"duplicate certificate or other instrument of title"	"certificate as to title"
<i>Unit Titles Act</i>		
Section 4		
- definition of "registered"	"Book"	
Section 21E(2)(a)	"Book"	
Section 21G(1)	"(1) The Registrar- General"	"The Registrar- General"
	"certificate of title"	"certificate as to title"
Section 23(1B) and (1C)	"certificate of title"	"certificate as to title"
Section 42A(3)(b)	"Book"	
<i>Yulara Tourist Village Management Act</i>		
Section 17(2)	"certificate of title"	"folio of the Register"
Abattoirs and Slaughtering Regulations		
First Schedule	"Book of Crown Leases"	
- Forms 1, 2, 3, 4, 5, 6 and 7		

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Credit Unions (Amalgamation and Transfer of Engagements) Regulations		
Regulation 3		
- definition of "Register Book"	the whole definition	"'Register' means the Register referred to in Part V of the <i>Real Property Act</i> ;"
Regulation 4(9)	"Certificate of Title or other instrument of title"	"certificate as to title or other instrument as to title"
	"Book"	
Crown Lands Regulations		
Regulations 17, 18 and 19	the whole regulations	"17. FORM OF LEASE "(1) A lease shall be in the form prescribed under the <i>Real Property Act</i> . "(2) Subject to a specific provision contained in a lease, a lease commences on the date of its registration by the Registrar-General."
Regulation 33(a) and (b)	the whole paragraphs	"registration."
Regulation 34	all words after "boundaries of the lease"	"and shall lodge a copy with the Registrar-General for registration under the <i>Real Property Act</i> ."

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Regulations 109 and 110	the whole regulations	
Schedule		
- Forms 20 and 21	"Book"	
Schedule		
- Forms 22, 23 and 24	the whole forms	
Real Property (Unit Titles) Regulations		
Schedule 1		
- Forms 1, 2, 3, 10, 11, 14, 15, 16, 17 and 19	"Book"	
- Form 16 Schedule 3	"Land Titles Office number"	
Regulations 12 and 13	"certificate of title"	"certificate as to title"
Schedule 1		
- Form 1 Schedule of notes Item 6	"duplicate certificate of title"	
- Form 3 Schedule of notes Item 7	"duplicate certificate of title"	
- Form 6	"Certificate of title" (twice occurring)	"Folio of the Register"
	"certificate of title"	"folio of the Register"

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
- Form 10	"CERTIFICATE OF TITLE"	"FOLIO OF THE REGISTER"
Schedule of notes Item 9	"duplicate certificates of title"	"certificate as to title"
- Form 14	"CERTIFICATE OF TITLE"	"CERTIFICATE AS TO TITLE"
- Form 15	"certificate of title"	
- Form 16(c)	"certificates of title"	"certificates as to title"
- Schedule 1	"Certificate of Title Affected"	"Certificates as to Title Affected"
- Form 17 Schedule 1	"Certificate of Title Affected"	"Certificates as to Title Affected"
Schedule 2 Items 8 and 9	"certificate of title"	"certificate as to title"
Special Purposes Leases Regulations		
Regulation 6(1)	the whole subregulation	"(1) Where an applicant fails to give written agreement of acceptance to the Minister within 3 months after the day of receipt of an offer of a special purposes lease, the Minister may, by notice in writing to the applicant, advise a time after which the offer will be withdrawn."

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SCHEDULE - continued

Provision	Amendment	
	omit	substitute
Regulation 6(3)	the whole subregulation	"(3) Where an applicant to whom a notice under subregulation (1) has been given fails, within the time specified in the notice, to give the written agreement of acceptance referred to in that subregulation, the offer is withdrawn."
Regulation 7	the whole regulation	
Water Supply and Sewerage Regulations		
Regulation 3D(2)	"certificate of title" "Book"	"folio of the Register"
Water Supplies Development Regulations		
The Schedule Item 4	"Certificate of Title"	"Certificate as to title"