



New South Wales

Conveyancing Legislation Amendment (e-plan) Act 2002 No 2

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New South Wales

Conveyancing Legislation Amendment (e-plan) Act 2002 No 2

Act No 2, 2002

An Act to amend the *Conveyancing Act 1919* and certain other Acts with respect to the electronic lodging of plans and other documents; and for other purposes.
[Assented to 9 April 2002]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Conveyancing Legislation Amendment (e-plan) Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Conveyancing Act 1919 No 6

The *Conveyancing Act 1919* is amended as set out in Schedule 1.

4 Amendment of other Acts

The Acts specified in Schedule 2 are amended as set out in that Schedule.

Schedule 1 Amendment of Conveyancing Act 1919

(Section 3)

[1] Section 6A

Insert after section 6:

6A Application of Act to electronic form plans and other documents

- (1) This section applies to:
 - (a) plans lodged for the purposes of this Act, and
 - (b) other documents, except certificates of title and office copies of court order, that:
 - (i) are required by or under this or any other Act to be lodged with those plans, or
 - (ii) are of a class prescribed by the regulations made under this Act as documents that may be lodged in electronic form.
- (2) A reference in this Act:
 - (a) to a plan or another document includes a reference to an electronic data file containing a plan or another document in an electronic form, and
 - (b) to the lodging of a plan or another document includes a reference to the electronic lodging of a plan or another document in an electronic form approved by the Registrar-General, and
 - (c) to a sheet of a plan or another document that is in electronic form is a reference to a sheet on which the whole or part of the plan or other document would be reproduced if the plan or other document were converted to hard copy form without re-pagination.
- (3) If a plan is lodged electronically, all other documents that are required to be lodged with the plan must also be lodged electronically in an electronic form approved by the Registrar-General, except:
 - (a) certificates of title and office copies of court orders, and

- (b) any other documents excepted from this requirement by regulations under this or any other Act or by the Registrar-General.
- (4) Any signature, seal, certificate, consent or other approval required to authenticate, or to authorise the registration or recording of, a plan proposed to be lodged in electronic form is to be endorsed on an approved form for signatures. When the plan is lodged, that form must also be lodged electronically in an electronic form approved by the Registrar-General.
- (5) This Act applies to and in respect of plans and other documents lodged in electronic form in the same way as it applies to other plans and documents, subject to any modifications prescribed by this Act or the regulations.
- (6) This section extends to plans and other documents relating to land under the *Real Property Act 1900*.

[2] Section 195 Definitions

Omit “endorsed on a plan of subdivision” from the definition of *subdivision certificate* in section 195 (1).

Insert instead “issued”.

[3] Section 195AA

Insert after section 195:

195AA The e-plan system

- (1) The e-plan system established by this section enables an approved person and, subject to the terms of the approval, persons authorised by the approved person, to lodge plans and other documents electronically for registration, recording or other purposes under this or a related Act. Plans and other documents may be so lodged without the need for them to be physically produced, but only in accordance with arrangements made under this section.
- (2) Other persons may not use the e-plan system, and may not lodge plans or other documents electronically for those purposes, without the consent of the Registrar-General.

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- (3) A person may apply to the Registrar-General in the approved form for approval to use the e-plan system.
 - (4) The Registrar-General may approve or refuse an application.
 - (5) If the Registrar-General approves an application, the Registrar-General is to specify the terms of the approval, the way in which the e-plan system is to be accessed, the date on which the approval commences and, if appropriate, the plans and other documents to which the approval applies.
 - (6) A person whose application is approved is, while the approval remains in force, an **approved person** for the purposes of this section.
 - (7) An approval may be amended at any time:
 - (a) by agreement between the Registrar-General and the approved person, or
 - (b) by written notice given by the Registrar-General to the approved person.
 - (8) An approval remains in force until it is cancelled by the Registrar-General or until the approved person surrenders it.
 - (9) The Registrar-General may decline to grant and may, at any time and without prior notice, cancel an approval for any reason considered sufficient by the Registrar-General. The Registrar-General is to give written notice of refusal or cancellation of an approval.
 - (10) The following are **related Acts** for the purposes of this section:
 - Real Property Act 1900*
 - Strata Schemes (Freehold Development) Act 1973*
 - Strata Schemes (Leasehold Development) Act 1986*
 - Community Land Development Act 1989*

[4] Section 195C Form and certification of plans

Insert “that has been endorsed in accordance with the regulations under this Act” after “1929” in section 195C (1) (c).

[5] Section 195C (1) (e)

Omit the paragraph. Insert instead:

- (e) in the case of a plan of subdivision, be authorised by a subdivision certificate that has been endorsed in accordance with the regulations under this Act.

[6] Section 195D Signatures and consents

Omit section 195D (3). Insert instead:

- (2A) If the plan is lodged electronically, or the plan is lodged manually but the signatures and consents required by this section are not endorsed on the plan, the signatures and consents must be endorsed on the approved form for signatures and that form must be lodged in the same way as the plan.
- (3) However, the Registrar-General may, without giving notice to any person, dispense with the requirement for a person mentioned in subsection (1) to sign a particular plan, or to sign an approved form for signatures relating to a particular plan, if the plan is lodged for registration or recording as referred to in subsection (1).

[7] Section 195D (4)

Omit “which has not been signed (or the registration or recording of which has not been consented to) by every”.

Insert instead “without the signature or consent in writing of any”.

[8] Section 195G Registration of plans

Insert “or otherwise making a record of that seal with respect to the plan in such manner as the Registrar-General considers appropriate” after “to the plan” in section 195G (1).

[9] Section 195H Amendment or replacement of plans

Insert after section 195H (4):

- (5) Instead of amending a registered plan that was lodged electronically, the Registrar-General may require a replacement plan that includes the amendments to be lodged electronically.

Subsections (1)–(4) (subsection (2) (c) excepted) extend to an amendment included in any such replacement plan that is in electronic form.

[10] Section 196 Presumptions relating to plans

Omit section 196 (1) (b). Insert instead:

- (b) to withdraw the plan from registration or recording temporarily or permanently, to lodge a replacement plan or to give any receipt for the plan, and

[11] Section 196 (2)

Omit the subsection. Insert instead:

(2) Where:

- (a) a plan lodged or a consent given under this Division, or
- (b) an approved form for signatures authorising or consenting to the registration or recording of a plan under this Division,

purports to have been signed under a power of attorney, or under any other power or authority (whether statutory or not), the Registrar-General may assume that the plan, consent or form was so signed and that there was sufficient power or authority for its being signed.

[12] Section 196 (3) (a)

Omit “has been affixed to a plan lodged or a consent given under this Division”.

Insert instead “purports to have been affixed to a plan lodged or a consent given under this Division, or to an approved form for signatures relating to the registration or recording of a plan under this Division”.

[13] Section 196 (4) and (5)

Omit the subsections. Insert instead:

- (4) If a plan is registered or recorded under this Division by the Registrar-General, sufficient signatures and consents in writing are taken to have been provided for the purposes of this Division.

- (5) The Registrar-General is entitled to assume:
- (a) that a subdivision certificate that purports to have been endorsed on any plan or approved form for signatures for the purposes of this Division was duly issued and endorsed, and
 - (b) that any signature or other matter that purports to have been endorsed on or provided in any plan or approved form for signatures for the purposes of this Division was duly endorsed or provided, and
 - (c) that all conditions precedent to the issue or endorsement of the certificate, or the endorsement or provision of the signature or other matter, were duly complied with.

[14] Section 196AB

Insert after section 196AA:

196AB Notice to produce electronic form plans and other documents

- (1) As soon as is practicable after a written demand of the Registrar-General requiring its production is served on a person who has lodged a plan or other document in electronic form for the purposes of this Act, the person is required to produce to the Registrar-General:
- (a) an electronically formatted version or a hard copy version of the plan, as directed by the Registrar-General, or the original hard copy version of the other document, in each case as it was when the plan or other document was lodged electronically, and
 - (b) in the case of a plan, the approved form for signatures on which the signatures, seals, certificates, consents or other approvals required to authenticate, or to authorise the registration or recording of, the plan were endorsed.
- (2) This section applies only to a written demand served:
- (a) in the case of a plan or other document lodged for the purpose of its being registered or recorded, while the plan or other document is so lodged, or

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- (b) in the case of a plan or other document that has been lodged otherwise than for the purpose of its being registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document was lodged, or
 - (c) in the case of a plan or other document that has been registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document has been registered or recorded.

[15] Section 196H Signing of building management statement

Omit “any signature required” from section 196H (3).

Insert instead “the need to obtain any signature that would otherwise be required”.

[16] Section 203A

Insert after section 203:

203A Evidence of registered or recorded electronic form plans and documents

- (1) A hard copy version dated and issued by the Registrar-General of any plan or other identified document:
 - (a) that has been registered or recorded by the Registrar-General under this or any other Act, and
 - (b) that is kept by the Registrar-General in electronic form, has, for all purposes, the same validity and effect as the original plan or document that was registered or recorded.
- (2) In this section, *identified document* means a document specified or described for the purposes of this section in the regulations made under this Act.

[17] Schedule 9 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

Conveyancing Legislation Amendment (e-plan) Act 2002

[18] Schedule 9

Insert after Part 5:

**Part 6 Provision consequent on enactment of
Conveyancing Legislation Amendment (e-
plan) Act 2002**

12 Validation

Any plan:

- (a) that purports to have been registered or recorded under Division 3 of Part 23 of this Act at a time occurring before the commencement of an amendment to this Act made by the *Conveyancing Legislation Amendment (e-plan) Act 2002*, and
- (b) that would have been validly registered or recorded only if that amendment had been in force at that time,

is taken to have been validly registered or recorded under that Division at and from that time.

Schedule 2 Amendment of other Acts

(Section 4)

2.1 Real Property Act 1900 No 25

[1] Section 3A

Insert after section 3:

3A Application of Act to electronic form plans and other documents

- (1) This section applies to:
 - (a) plans lodged for the purposes of this Act, and
 - (b) other documents, except certificates of title and office copies of court order, that:
 - (i) are required by or under this or any other Act to be lodged with those plans, or
 - (ii) are of a class prescribed by the regulations made under this Act as documents that may be lodged in electronic form.
- (2) A reference in this Act:
 - (a) to a plan or another document includes a reference to an electronic data file containing a plan or another document in an electronic form, and
 - (b) to the lodging of a plan or another document includes a reference to the electronic lodging of a plan or another document in an electronic form approved by the Registrar-General, and
 - (c) to a sheet of a plan or another document that is in electronic form, is a reference to a sheet on which the whole or part of the plan or other document would be reproduced if the plan or other document were converted to hard copy form without re-pagination.

- (3) If a plan is lodged electronically, all other documents that are required to be lodged with the plan must also be lodged electronically in an electronic form approved by the Registrar-General, except:
 - (a) certificates of title and office copies of court orders, and
 - (b) any other documents excepted from this requirement by regulations under this or any other Act or by the Registrar-General.
- (4) Any signature, seal, certificate, consent or other approval required to authenticate, or to authorise the registration or recording of, a plan proposed to be lodged in electronic form is to be endorsed on an approved form for signatures. When the plan is lodged, that form must also be lodged electronically in an electronic form approved by the Registrar-General.
- (5) This Act applies to and in respect of plans and other documents lodged in electronic form in the same way as it applies to other plans and documents, subject to any modifications prescribed by this Act or the *Conveyancing Act 1919* or the regulations under either of those Acts.

[2] Section 12AA

Insert after section 12A:

12AA Notice to produce electronic form plans and other documents

- (1) As soon as is practicable after a written demand of the Registrar-General requiring its production is served on a person who has lodged a plan or other document in electronic form for the purposes of this Act, the person is required to produce to the Registrar-General:
 - (a) an electronically formatted version or a hard copy version of the plan, as directed by the Registrar-General, or the original hard copy version of the other document, in each case as it was when the plan or other document was lodged electronically, and
 - (b) in the case of a plan, the approved form for signatures on which the signatures, seals, certificates, consents or other approvals required to authenticate, or to authorise the registration or recording of, the plan were endorsed.

- (2) This section applies only to a written demand served:
- (a) in the case of a plan or other document lodged for the purpose of its being registered or recorded, while the plan or other document is so lodged, or
 - (b) in the case of a plan or other document that has been lodged otherwise than for the purpose of its being registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document was lodged, or
 - (c) in the case of a plan or other document that has been registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document has been registered or recorded.

[3] Section 28X Withdrawal of delimitation plan

Omit section 28X (1). Insert instead:

- (1) A person who lodges a delimitation plan may withdraw the plan before it is registered by making a request in the approved form.
- (1A) If a plan lodged electronically is withdrawn before registration, the Registrar-General is to return any documents lodged manually with it to the person appearing to the Registrar-General to be entitled to them.
- (1B) If a plan lodged manually is withdrawn before registration, the Registrar-General is to return the plan and any other documents lodged with it to the person appearing to the Registrar-General to be entitled to them.

[4] Section 114 Registrar-General may require plan to be lodged

Omit “deposit” from section 114 (d). Insert instead “lodge”.

[5] Section 135K Noting of boundary on plans etc

Omit “deposit” from section 135K (4). Insert instead “lodge”.

[6] Section 135K (4)

Omit “the number of copies of the plan specified by the Registrar-General”.
Insert instead “such number of copies of the plan, if any, as the Registrar-General may specify”.

2.2 Strata Schemes (Freehold Development) Act 1973 No 68

[1] Section 6A

Insert after section 6:

6A Application of Act to electronic form plans and other documents

- (1) This section applies to:
 - (a) plans lodged for the purposes of this Act, and
 - (b) other documents, except certificates of title and office copies of court orders, that:
 - (i) are required by or under this or any other Act to be lodged with those plans, or
 - (ii) are of a class prescribed by the regulations made under this Act as documents that may be lodged in electronic form.
- (2) A reference in this Act:
 - (a) to a plan or another document includes a reference to an electronic data file containing a plan or another document in an electronic form, and
 - (b) to the lodging of a plan or another document includes a reference to the electronic lodging of a plan or another document in an electronic form approved by the Registrar-General, and
 - (c) to a sheet of a plan or another document that is in electronic form, is a reference to a sheet on which the whole or part of the plan or other document would be reproduced if the plan or other document were converted to hard copy form without re-pagination.

- (3) If a plan is lodged electronically, all other documents that are required to be lodged with the plan must also be lodged electronically in an electronic form approved by the Registrar-General, except:
 - (a) certificates of title and office copies of court orders, and
 - (b) any other documents excepted from this requirement by regulations under this or any other Act or by the Registrar-General.
- (4) Any signature, seal, certificate, consent or other approval required to authenticate, or to authorise the registration or recording of, a plan proposed to be lodged in electronic form is to be endorsed on an approved form for signatures. When the plan is lodged, that form must also be lodged electronically in an electronic form approved by the Registrar-General.
- (5) This Act applies to and in respect of plans and other documents lodged in electronic form in the same way as it applies to other plans and documents, subject to any modifications prescribed by this Act, the *Conveyancing Act 1919*, the *Real Property Act 1900* or the regulations under any of those Acts.

[2] Section 8 Registration of strata plans

Omit “be endorsed with” from section 8 (2). Insert instead “include”.

[3] Section 8 (4B)

Omit “in the relevant panel of the approved form”.

[4] Section 8 (4C)

Omit “be signed by the persons required to sign”.

Insert instead “have been signed by the persons required to have signed”.

[5] Section 8 (6) (a)

Insert “, if any,” before “as”.

[6] Section 8A Subdivision of development lot

Omit “be endorsed with” from section 8A (3). Insert instead “include”.

[7] Section 9 Subdivision of lots and common property

Omit “is endorsed with” from section 9 (3) (c). Insert instead “includes”.

[8] Section 14 Alteration of building affecting lot boundary

Omit “two copies” from section 14 (2). Insert instead “a copy”.

[9] Section 14 (3)

Omit “to”. Insert instead “from”.

[10] Section 16 Strata plans to be signed or consented to

Omit “is signed” from section 16 (1). Insert instead “has been signed”.

[11] Section 16 (2)

Omit “signed by”. Insert instead “that have been signed by”.

[12] Section 16 (2A)

Insert after section 16 (2):

(2A) If the plan is lodged electronically, or the plan is lodged manually but the signatures and consents required by this section are not endorsed on the plan, they must be endorsed on the approved form for signatures and that form must be lodged in the same way as the plan.

[13] Section 27 Dedication of common property

Omit section 27 (2), (2A) and (3). Insert instead:

(1A) Common property may be dedicated as public road, public reserve or drainage reserve by registration of a plan under Division 3 of Part 23 of the *Conveyancing Act 1919*.

(1B) Common property may be dedicated as public reserve only if there is an adjoining public road or other public place giving access to the reserve by the public.

(2) The common property to be dedicated must be identified on a plan and relate to a statement, acknowledged by endorsement of the seal of the body corporate pursuant to a unanimous resolution, that it is intended:

- (a) to open or widen a public road, or
 - (b) to create a public reserve, or
 - (c) to create a drainage reserve.
- (2A) The seal of the body corporate is to be endorsed on the plan, subject to subsection (3A).
- (3) Common property that is a leasehold interest acquired under section 19 (2) may be dedicated only if each additional seal or signature required by section 195D of the *Conveyancing Act 1919* to allow registration of the plan under Division 3 of Part 23 of that Act has been obtained.
- (3A) If the plan is lodged electronically, or the plan is lodged manually but the seals, signatures and consents required by this section are not endorsed on the plan, they must be endorsed on the approved form for signatures and that form must be lodged in the same way as the plan.

[14] Section 28F Signing of strata development contract and amendments

Omit “is signed” from section 28F (1). Insert instead “has been signed”.

[15] Section 28F (2)

Omit “accompanied by”. Insert instead “lodged with”.

[16] Section 28F (3)

Insert “that have been” before “signed”.

[17] Section 28Q Conclusion of development scheme

Omit “signed in accordance” from section 28Q (1) (d).
Insert instead “that complies”.

[18] Section 28Q (3)

Omit “is signed in accordance”. Insert instead “complies”.

[19] Section 28Q (3) (a) and (b)

Omit “is” wherever occurring. Insert instead “has been”.

- [20] Section 28Q (3) (c)**
Omit “accompanied by”. Insert instead “lodged with”.
- [21] Section 28V Signing of strata management statement**
Omit “amendment is” from section 28V (1). Insert instead “amendment”.
- [22] Section 28V (1) (a)**
Omit “accompanied by”. Insert instead “is lodged with”.
- [23] Section 28V (1) (b) and (c)**
Insert “has been” before “signed” wherever occurring.
- [24] Section 30 Resumptions affecting parcels**
Omit “there is endorsed on it a statement” from section 30 (3).
Insert instead “it includes a statement or otherwise indicates”.
- [25] Section 30 (3) (a)**
Insert “includes or” before “is accompanied”.
- [26] Section 30 (3) (b)**
Omit “, it is accompanied”.
- [27] Section 30 (3) (b) (i)**
Insert “it includes or is accompanied” before “by”.
- [28] Section 30 (3) (b) (ii)**
Insert “it is accompanied” before “by” where firstly occurring.
- [29] Section 30 (4) (a) and (b)**
Omit “bearing” wherever occurring. Insert instead “that includes”.

[30] Section 30 (4)

Insert “or an approved form for signatures lodged in that office with the plan” after “if the plan”.

[31] Section 41 Registration of plans and notices

Omit “it is accompanied by such other plans and documents, if any, as may be prescribed” from section 41 (5).

Insert instead “such other plans and documents, if any, as may be prescribed have been lodged with the plan or notice”.

[32] Section 42 Provisions applying to strata plans and certain other documents

Omit “196 (1)” from section 42 (1). Insert instead “196”.

[33] Section 42 (3) and (4)

Insert “or strata management statement” after “contract” wherever occurring.

[34] Section 42 (3)

Insert “, contract, statement or amendment” after “original plan”.

[35] Section 42 (4)

Insert “, or cease to retain in electronic form,” after “destroy”.

[36] Section 49

Omit the section. Insert instead:

49 Notice to produce electronic form plans and other documents

- (1) As soon as is practicable after a written demand of the Registrar-General requiring its production is served on a person who has lodged a plan or other document in electronic form for the purposes of this Act, the person is required to produce to the Registrar-General:

- (a) an electronically formatted version or a hard copy version of the plan, as directed by the Registrar-General, or the original hard copy version of the other document, in each case as it was when the plan or other document was lodged electronically, and
 - (b) in the case of a plan, the approved form for signatures on which the signatures, seals, certificates, consents or other approvals required to authenticate, or to authorise the registration or recording of, the plan were endorsed.
- (2) This section applies only to a written demand served:
- (a) in the case of a plan or other document lodged for the purpose of its being registered or recorded, while the plan or other document is so lodged, or
 - (b) in the case of a plan or other document that has been lodged otherwise than for the purpose of its being registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document was lodged, or
 - (c) in the case of a plan or other document that has been registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document has been registered or recorded.

2.3 Strata Schemes (Leasehold Development) Act 1986 No 219

[1] Section 5A

Insert after section 5:

5A Application of Act to electronic form plans and other documents (1973 Act, s 6A)

- (1) This section applies to:
- (a) plans lodged for the purposes of this Act, and
 - (b) other documents, except certificates of title and office copies of court orders, that:

- (i) are required by or under this or any other Act to be lodged with those plans, or
 - (ii) are of a class prescribed by the regulations made under this Act as documents that may be lodged in electronic form.
- (2) A reference in this Act:
 - (a) to a plan or another document includes a reference to an electronic data file containing a plan or another document in an electronic form, and
 - (b) to the lodging of a plan or another document includes a reference to the electronic lodging of a plan or another document in an electronic form approved by the Registrar-General, and
 - (c) to a sheet of a plan or another document that is in electronic form, is a reference to a sheet on which the whole or part of the plan or other document would be reproduced if the plan or other document were converted to hard copy form without re-pagination.
- (3) If a plan is lodged electronically, all other documents that are required to be lodged with the plan must also be lodged electronically in an electronic form approved by the Registrar-General, except:
 - (a) certificates of title, office copies of court orders and (unless the regulations provide otherwise) leases required to be lodged by section 7 (1) (b) or (d), and
 - (b) any other documents excepted from this requirement by regulations under this or any other Act or by the Registrar-General.
- (4) Any signature, seal, certificate, consent or other approval required to authenticate, or to authorise the registration or recording of, a plan proposed to be lodged in electronic form is to be endorsed on an approved form for signatures. When the plan is lodged, that form must also be lodged electronically in an electronic form approved by the Registrar-General.

(5) This Act applies to and in respect of plans and other documents lodged in electronic form in the same way as it applies to other plans and documents, subject to any modifications prescribed by this Act, the *Conveyancing Act 1919*, the *Real Property Act 1900* or the regulations under any of those Acts.

[2] Section 7 Registration of strata plans

Omit “be endorsed with” from section 7 (2A). Insert instead “include”.

[3] Section 7 (2CB)

Omit “in the relevant panel of the approved form”.

[4] Section 7 (2CC)

Omit “be signed by the persons required to sign”.

Insert instead “have been signed by the persons required to have signed”.

[5] Section 7 (2E) (b)

Insert “, if any,” before “as”.

[6] Section 10 Subdivision of development lot

Omit “be endorsed with” from section 10 (3). Insert instead “include”.

[7] Section 11 Subdivision of lots and common property

Omit “is endorsed with” from section 11 (2) (c). Insert instead “includes”.

[8] Section 17 Alteration of building affecting lot boundary

Omit “2 copies” from section 17 (2). Insert instead “a copy”.

[9] Section 19 Strata plans to be signed or consented to

Omit “is signed” from section 19 (1). Insert instead “has been signed”.

[10] Section 19 (2)

Omit “signed by”. Insert instead “that have been signed by”.

[11] Section 19 (4A)

Insert after section 19 (4):

- (4A) If the plan is lodged electronically, or the plan is lodged manually but the signatures and consents required by this section are not endorsed on the plan, they must be endorsed on the approved form for signatures and that form must be lodged in the same way as the plan.

[12] Section 31 Dedication of common property

Omit section 31 (2) and (3). Insert instead:

- (1A) Common property may be dedicated as public road, public reserve or drainage reserve by registration of a plan under Division 3 of Part 23 of the *Conveyancing Act 1919*.
- (1B) Common property may be dedicated as public reserve only if there is an adjoining public road or other public place giving access to the reserve by the public.
- (2) The common property to be dedicated must be identified on a plan and relate to a statement, acknowledged by endorsement of the seal of the body corporate pursuant to a unanimous resolution, that it is intended:
- (a) to open or widen a public road, or
 - (b) to create a public reserve, or
 - (c) to create a drainage reserve.
- (2A) The seal of the body corporate and the seal or signature of the lessor under the leasehold strata scheme concerned are to be endorsed on the plan, subject to subsection (3A).
- (3) Common property that is a leasehold interest acquired under section 22 (2) may be dedicated only if each additional seal or signature required by section 195D of the *Conveyancing Act 1919* to allow registration of the plan under Division 3 of Part 23 of that Act has been obtained.
- (3A) If the plan is lodged electronically, or the plan is lodged manually but the seals, signatures and consents required by this section are not endorsed on the plan, they must be endorsed on the approved form for signatures and that form must be lodged in the same way as the plan.

[13] Section 46 Signing of strata development contract and amendments

Omit “is signed” from section 46 (1). Insert instead “has been signed”.

[14] Section 46 (2)

Omit “accompanied by”. Insert instead “lodged with”.

[15] Section 46 (3)

Insert “that have been” before “signed”.

[16] Section 57 Conclusion of development scheme

Omit “signed in accordance” from section 57 (1) (d).
Insert instead “that complies”.

[17] Section 57 (3)

Omit “is signed in accordance”. Insert instead “complies”.

[18] Section 57 (3) (a), (b) and (c)

Omit “is signed” wherever occurring. Insert instead “has been signed”.

[19] Section 57 (3) (d)

Omit “accompanied by”. Insert instead “lodged with”.

[20] Section 57E Signing of strata management statement

Omit “amendment is” from section 57E (1). Insert instead “amendment”.

[21] Section 57E (1) (a)

Omit “accompanied by”. Insert instead “is lodged with”.

[22] Section 57E (1) (b) and (c)

Insert “has been” before “signed” wherever occurring.

[23] Section 59 Resumptions affecting parcels

Omit “there is endorsed on it a statement” from section 59 (3).
Insert instead “it includes a statement or otherwise indicates”.

[24] Section 59 (3) (a)

Insert “includes or” before “is accompanied”.

[25] Section 59 (3) (b)

Omit “, it is accompanied”.

[26] Section 59 (3) (b) (i)

Insert “it includes or is accompanied” before “by”.

[27] Section 59 (3) (b) (ii)

Insert “it is accompanied” before “by” where firstly occurring.

[28] Section 59 (4) (a) and (b)

Omit “bearing” wherever occurring. Insert instead “that includes”.

[29] Section 59 (4)

Insert “or an approved form for signatures lodged in that office with the plan” after “if the plan”.

[30] Section 70 Registration of plans and notices

Omit “it is accompanied by such other plans and documents, if any, as may be prescribed” from section 70 (7).

Insert instead “such other plans and documents, if any, as may be prescribed have been lodged with the plan or notice”.

[31] Section 71 Provisions applying to strata plans and certain other documents

Omit “196 (1)” from section 71 (1). Insert instead “196”.

[32] Section 71 (2) and (3)

Insert “or strata management statement” after “contract” wherever occurring.

[33] Section 71 (2)

Insert “, contract, statement or amendment” after “original plan”.

[34] Section 71 (3)

Insert “, or cease to retain in electronic form,” after “destroy”.

[35] Section 78

Omit the section. Insert instead:

78 Notice to produce electronic form plans and other documents
(1973 Act, s 49)

- (1) As soon as is practicable after a written demand of the Registrar-General requiring its production is served on a person who has lodged a plan or other document in electronic form for the purposes of this Act, the person is required to produce to the Registrar-General:
 - (a) an electronically formatted version or a hard copy version of the plan, as directed by the Registrar-General, or the original hard copy version of the other document, in each case as it was when the plan or other document was lodged electronically, and
 - (b) in the case of a plan, the approved form for signatures on which the signatures, seals, certificates, consents or other approvals required to authenticate, or to authorise the registration or recording of, the plan were endorsed.
- (2) This section applies only to a written demand served:
 - (a) in the case of a plan or other document lodged for the purpose of its being registered or recorded, while the plan or other document is so lodged, or

- (b) in the case of a plan or other document that has been lodged otherwise than for the purpose of its being registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document was lodged, or
- (c) in the case of a plan or other document that has been registered or recorded, before the period prescribed by the regulations (or any shorter period agreed to by the Registrar-General) has expired after the plan or other document has been registered or recorded.

2.4 Community Land Development Act 1989 No 201

[1] Section 3A

Insert after section 3:

3A Application of Act to electronic form plans and other documents

- (1) This section applies to:
 - (a) plans lodged for the purposes of this Act, and
 - (b) other documents, except certificates of title and office copies of court orders, that:
 - (i) are required by or under this or any other Act to be lodged with those plans, or
 - (ii) are of a class prescribed by the regulations made under this Act as documents that may be lodged in electronic form.
- (2) A reference in this Act:
 - (a) to a plan or another document includes a reference to an electronic data file containing a plan or another document in an electronic form, and
 - (b) to the lodging of a plan or another document includes a reference to the electronic lodging of a plan or another document in an electronic form approved by the Registrar-General, and

- (c) to a sheet of a plan or another document that is in electronic form, is a reference to a sheet on which the whole or part of the plan or other document would be reproduced if the plan or other document were converted to hard copy form without re-pagination.
- (3) If a plan is lodged electronically, all other documents that are required to be lodged with the plan must also be lodged electronically in an electronic form approved by the Registrar-General, except:
 - (a) certificates of title and office copies of court orders, and
 - (b) any other documents excepted from this requirement by regulations under this or any other Act or by the Registrar-General.
- (4) Any signature, seal, certificate, consent or other approval required to authenticate, or to authorise the registration or recording of, a plan proposed to be lodged in electronic form is to be endorsed on an approved form for signatures. When the plan is lodged, that form must also be lodged electronically in an electronic form approved by the Registrar-General.
- (5) This Act applies to and in respect of plans and other documents lodged in electronic form in the same way as it applies to other plans and documents, subject to any modifications prescribed by this Act or the *Conveyancing Act 1919* or the regulations under either of those Acts.

[2] Section 8 Subdivision of a community development lot by a community plan of subdivision

Omit “is in the approved form” from section 8 (4) (a).
Insert instead “has been given in the approved form”.

[3] Section 9 Subdivision of a community development lot by a precinct plan

Omit “there is endorsed on the plan” from section 9 (3) (c).
Insert instead “the plan includes”.

[4] Schedule 1 Plans

Insert after clause 2 (6):

(6A) If the plan is lodged electronically, or the plan is lodged manually but the signatures and consents required by this section are not endorsed on the plan, they must be endorsed on the approved form for signatures and that form must be lodged in the same way as the plan.

[5] Schedule 2 Development contracts

Omit “be signed” from clause 5. Insert instead “have been signed”.

[6] Schedule 3 Community management statement and precinct management statement

Omit “be signed” from clause 7. Insert instead “have been signed”.

[7] Schedule 4 Neighbourhood management statement

Omit “be signed” from clause 7. Insert instead “have been signed”.

[8] Schedule 6 Conversion of development lot to association property

Omit “be signed” from clause 1 (2). Insert instead “have been signed”.

[9] Schedule 7 Conversion of neighbourhood lot to neighbourhood property

Omit “be signed” from clause 1 (2). Insert instead “have been signed”.

[10] Schedule 8 Severance of development lot

Omit “be signed” wherever occurring from clause 1 (2) and (3).
Insert instead “have been signed”.

[Second reading speech made in—
Legislative Assembly on 27 February 2002
Legislative Council on 20 March 2002]

BY AUTHORITY
