
Real Property (Commonwealth Titles) Act. 15 GEO. V. No. 28,

REAL PROPERTY.

15 Geo. V.
No. 28.
THE REAL
PROPERTY
(COMMON-
WEALTH
TITLES)
ACT OF 1924.

An Act to Provide for the Registration of Titles to Land acquired by the Commonwealth of Australia.

[ASSENTED TO 30TH OCTOBER, 1924.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

Short title
and
construction
of Act.

1. This Act may be cited as "*The Real Property (Commonwealth Titles) Act of 1924*," and shall be read as one with *"*The Real Property Acts, 1861 to 1887*," herein collectively referred to as the Principal Act.

Interpre-
tation.

2. In this Act, unless the context otherwise requires—
- “Acquired land” means any land which, having become vested, whether before or after the passing of this Act—
- (a) In the Commonwealth, pursuant to the Constitution; or
 - (b) In the Commonwealth or in any Commonwealth authority by any law of the Commonwealth, or any notice, notification of acquisition, proclamation, or order made under any such law;

is for the time being vested either in the Commonwealth or a Commonwealth authority;

“Attorney-General” means the Attorney-General for the time being, of the Commonwealth, or any person to whom the powers and functions of the Attorney-General under any law of the Commonwealth have been duly delegated pursuant to any law of the Commonwealth;

“Commonwealth authority” means any authority incorporated by any law of the Commonwealth;

“The Constitution” means the Commonwealth of Australia Constitution Act.

* 25 Vic. No. 14 and amending Acts, *supra*, pages 2984 *et seq.*

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3. With respect to any acquired land which at the time of acquisition thereof was not or is not subject to the provisions of the Principal Act, the following provisions shall apply:—

Provision for bringing land acquired by Commonwealth under the Real Property Acts.

- (1) If the land is vested in fee simple in the Commonwealth, the Attorney-General, or if the land is vested in fee simple in a Commonwealth authority, then such Commonwealth authority, may apply to the Registrar of Titles to bring the land under the provisions of the Principal Act;
- (2) If the land is land which became vested in the Commonwealth pursuant to the Constitution, the Attorney-General or the Commonwealth authority making the application, as the case may be, shall furnish the Registrar of Titles with a certificate under the hand of the Attorney-General, or the seal of such Commonwealth authority, certifying that the land became so vested in the Commonwealth, and setting out any other facts relevant to the title of the Commonwealth or Commonwealth authority as the Registrar of Titles may require;
- (3) In all cases other than those mentioned in the last preceding paragraph hereof there shall be furnished to the Registrar of Titles a copy, certified under the hand of the Attorney-General or the seal of the Commonwealth authority making the application, as the case may be, of the notification of acquisition, vesting order, or other instrument or notice (if any) whereby or in pursuance of which the land is vested in the Commonwealth or such Commonwealth authority, and such other evidence of title as the Registrar of Titles may require;
- (4) Upon the Master of Titles being satisfied as to the title of the Commonwealth or Commonwealth authority, as the case may be, to the land in respect of which the application is made, the Registrar of Titles may bring the land under the provisions of the Principal Act by issuing a certificate of title

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for the land to the Commonwealth or Commonwealth authority in whom the land is vested ;

- (5) No contribution to the assurance fund shall be payable in respect of the bringing under the Principal Act of any acquired land.

Registration
of land which
is under
Real
Property Act
when
acquired by
the Common-
wealth.

4. With respect to any acquired land which at the date of the acquisition thereof was or is subject to the provisions of the Principal Act, the following provisions shall apply :—

- (1) If the land is vested in the Commonwealth, the Attorney-General, or, if the land is vested in a Commonwealth authority, then such Commonwealth authority, may apply to the Registrar of Titles to register the Commonwealth or the Commonwealth authority, as the case may be, as the proprietor of the land ;
- (2) If the land is the land which became vested in the Commonwealth pursuant to the Constitution, the Attorney-General or the Commonwealth authority making the application, as the case may be, shall furnish the Registrar of Titles with a certificate under the hand of the Attorney-General or seal of such Commonwealth authority, certifying that the land became so vested in the Commonwealth, and setting out any other facts relevant to the title of the Commonwealth or Commonwealth authority as the Registrar of Titles may require ;
- (3) In all cases other than those mentioned in the last preceding paragraph hereof there shall be furnished to the Registrar of Titles a copy, certified under the hand of the Attorney-General or the seal of the Commonwealth authority, making the application, as the case may be, of the notification of acquisition, vesting order, or other instrument or notice (if any) whereby or in pursuance of which the land is vested in the Commonwealth or such Commonwealth authority, and such other evidence of title as the Registrar of Titles may require ;

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- (4) The Registrar of Titles, if he is satisfied as to the title to the land of the Commonwealth or the Commonwealth authority, as the case may be, may deal with and give effect to the application as if it were a duly executed and stamped memorandum of transfer of the land to the Commonwealth or Commonwealth authority, as the case may be, lodged for registration on the day on which the application was received by the Registrar of Titles.

5. Any entry made in the register book or on any certificate or instrument before the passing of this Act, for the purpose of registering under the provisions of the Principal Act the Commonwealth or any Commonwealth authority as the proprietor of any acquired land, shall be deemed to have been and to be lawfully and validly made; and any certificate or instrument issued before the passing of this Act by the Registrar of Titles to the Commonwealth or any Commonwealth authority relating to any acquired land shall be deemed to have been and to be at all times valid and effectual in all respects.

Validation
or transfers
made and
certificates
issued before
the passing
of this Act.

6. If the Registrar of Titles is satisfied on information received by him from any source that the whole or any part of any land included in a deed of grant or certificate of title is acquired land, he may, notwithstanding that no application pursuant to this Act has been made, make an entry in the proper register, specifying that the land in question has been acquired by the Commonwealth or Commonwealth authority, as the case may be.

Authority of
Registrar of
Titles to
enter
acquisition
in register
in certain
circum-
stances.