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# ELIZABETHAE II REGINAE

A.D. 1992

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No. 13 of 1992

An Act to amend the Real Property Act 1886.

[Assented to 16 April 1992]

The Parliament of South Australia enacts as follows:

## Short title

1. (1) This Act may be cited as the *Real Property (Survey Act) Amendment Act 1992*.
- (2) The *Real Property Act 1886* is referred to in this Act as “the principal Act”.

## Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

## Insertion of Part V Division IIA

3. The following Division is inserted after Division II of Part V of the principal Act:

### DIVISION IIA—BOUNDARIES OF REGISTERED LAND

#### Coordinated cadastre

51e. (1) Where the Surveyor-General has lodged a plan delineating the boundaries of allotments in a designated survey area with the Registrar-General under the *Survey Act 1992*, the Registrar-General must examine the plan and, if it is in order, accept it for filing in the Lands Titles Registration Office.

(2) A plan accepted for filing under subsection (1) must be accepted in legal proceedings as evidence (which may be rebutted) of the position and dimensions of the boundaries of allotments that it delineates.

(3) A court, tribunal or other body or person conducting legal proceedings must not make a finding that the position or dimensions of the boundary of an allotment varies from the position or dimensions of the boundary shown on a plan accepted for filing under subsection (1) unless the court, tribunal, body or person has first given the Surveyor-General, or a person acting on his or her behalf, the opportunity to present evidence and be heard on that question.

(4) If the Registrar-General finds an error in a plan accepted for filing under subsection (1), he or she may, with the approval of the Surveyor-General, amend the plan in order to correct the error.

(5) As soon as practicable after accepting a plan for filing under subsection (1) or amending a plan under subsection (4), the Registrar-General must correct any certificate of title that is inconsistent with a boundary delineated on the plan.

**Confused land boundaries**

51f. As soon as practicable after depositing a plan relating to a Confused Boundary Area in the Lands Titles Registration Office pursuant to the *Survey Act 1992*, the Registrar-General must correct all certificates of title that are inconsistent with a boundary delineated on the plan and the land included in the plan will vest in accordance with the certificates of title as corrected.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor