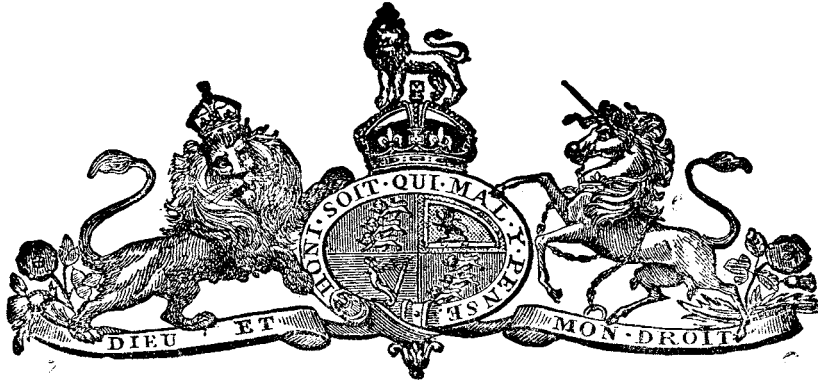


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TASMANIA



1933.

ANNO VICESIMO QUARTO
GEORGII V. REGIS.

No. 26.

ANALYSIS.

1. Short title.
2. Incorporation with 25 Vict. No. 16.
3. Interpretation.
4. Provisions for bringing land acquired by Commonwealth under the Real Property Act.
5. Transfers of land which is under Real Property Act when acquired by the Commonwealth.
6. Validation of transfers made and certificates issued before the commencement of this Act.
7. Duty of Recorder to enter acquisition in Register Book in certain circumstances.

AN ACT to provide for the Registration of
Titles to Land acquired by the Common-
wealth. [22 December, 1933.]

A.D.
1933.

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1 This Act may be cited as “The Real Property (Commonwealth Titles) Act, 1933”

Short title.
Cf. S.A., No. 1610,
1924; Q., 15 Geo.
V. No. 28; W.A.,
No. 3 of 1925.

Real Property (Commonwealth Titles).

A.D. 1933.

Incorporation
with 25 Vict. No.
16.

Interpretation.

2 This Act shall be incorporated with the Real Property Act, in this Act referred to as the Principal Act.

3 In this Act, unless the contrary intention appears—

“Acquired land” means any land, which, having become vested, whether before or after the commencement 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 :

“The Recorder” means the Recorder of Titles.

63 and 64 Vict.,
c. 12.Provisions for
bringing land ac-
quired by Com-
monwealth under
the Real Pro-
perty Act.

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

i. 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 the Commonwealth authority in which the land is so vested, may apply to the Recorder to bring the land under the provisions of the Principal Act :

ii. If the land is land which became vested in the Commonwealth pursuant to the Constitution, the Attorney-General or the Commonwealth authority, whichever makes the application, shall furnish the Recorder with a certificate under the hand of the Attorney-General, or the seal of the Commonwealth authority, as the case may be, 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 :

iii. In all cases other than those mentioned in the last preceding paragraph, there shall be furnished to the Recorder in support of the application a copy, certified under the hand of the Attorney-General, or the seal of the Common-

Real Property (Commonwealth Titles).

wealth authority, whichever makes the application, of the notification of acquisition, vesting order, or other instrument or notice (if any) whereby or in pursuance of which the land was vested in the Commonwealth or Commonwealth authority, and such other evidence of the title of the Commonwealth or Commonwealth authority as the Recorder may require :

A.D. 1933.

- iv. The Recorder, if he is 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, may bring the land under the provisions of the Principal Act by issuing a certificate of title for the land to the Commonwealth or Commonwealth authority in whom the land is vested :
- v. No contribution to the assurance fund shall be payable in respect of the bringing under the Principal Act of any acquired land, nor shall the Commonwealth at any time have any claim on that fund in respect of such land.

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

Transfers of land which is under Real Property Act when acquired by the Commonwealth.

- i. If the land is vested in the Commonwealth, the Attorney-General, or, if the land is vested in any Commonwealth authority, then the authority in whom the land is so vested, may apply to the Recorder to transfer the land into the name of the Commonwealth or the Commonwealth authority, as the case may be :
- ii. If the land is land which became vested in the Commonwealth pursuant to the Constitution, the Attorney-General or the Commonwealth authority, whichever makes the application, shall furnish the Recorder with a certificate under the hand of the Attorney-General, or seal of the Commonwealth authority, as the case may be, 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 :
- iii. In all cases other than those mentioned in the last preceding paragraph, there shall be furnished to the Recorder in support of the application a copy, certified under the hand of the Attorney-General, or the seal of the Commonwealth authority, whichever makes the application, of the notification of acquisition, vesting order, or other instrument or notice (if any) whereby, or in pursuance of which, the land was vested in the Commonwealth or Commonwealth authority, and such other evidence of the title of the Commonwealth or Commonwealth authority, as the Registrar-General may require :

Real Property (Commonwealth Titles).

A.D. 1933.

iv. The Recorder, 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 Recorder.

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

6 Any entry made in the Register Book or on any certificate or instrument before the commencement of this Act for the purpose of transferring into the name of the Commonwealth or any Commonwealth authority any acquired land shall be deemed to have been lawfully and validly made, and any certificate or instrument issued before the commencement of this Act by the Recorder to the Commonwealth or any Commonwealth authority relating to any acquired land shall be deemed to be, and to have been at all times, valid and effectual in all respects.

Duty of Recorder to enter acquisition in Register Book in certain circumstances.

7 If the Recorder is satisfied, on information received by him from any source, that the whole or any part of any land included in a certificate is acquired land, he shall, notwithstanding that no application pursuant to Section Five of this Act has been made, make an entry in the Register Book specifying that the land in question has been acquired by the Commonwealth or Commonwealth authority, as the case may be.