

The fourth
schedule.

- 17** The fourth schedule to the Principal Act is amended—
- (a) by omitting therefrom the word “and” (second occurring); and
 - (b) by adding at the end thereof the words “, and 90DA”.

Transitory
provisions.

18 Notwithstanding the amendments of the Principal Act that are effected by this Act, until any land that, before the commencement of this Act, was divided into strata by a stratum plan registered under the *Registration of Deeds Act 1935* is brought under the provisions of the *Real Property Act 1862* pursuant to section seventy-five ZBA of the Principal Act, the provisions of Part XIA of the Principal Act (as in force immediately before the commencement of this Act) continue to apply to and in relation to that land and that stratum plan and to all dealings and proceedings relating thereto as if this Act had not commenced.

**LOCAL GOVERNMENT (REGISTERED
TITLES).**

No. 48 of 1966.

AN ACT to amend the *Local Government Act*
1962. [12 December 1966.]

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:—

Short title,
citation, and
commence-
ment.

1—(1) This Act may be cited as the *Local Government (Registered Titles) Act 1966*.

(2) The *Local Government Act 1962*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act (other than sections eight and nine) shall commence on a day to be fixed by proclamation.

(4) Sections eight and nine of this Act shall commence on the first day of February 1967.

2 Section four hundred and sixty-four of the Principal Act is repealed, and the following sections are substituted therefor:—

“464—(1) The owner of a building estate may make application to the corporation for approval of the scheme of the building estate and shall submit with the application a plan in triplicate, to be called a ‘proposal plan’, drawn to scale showing—

Approval of schemes for building estates. Cf. 25 Geo. V No. 47, s. 43b.

- (a) the boundaries of the building estate and its general levels and contours;
- (b) the streets, roads, and other ways, public and private, existing and to be opened or constructed on the land;
- (c) the proposed subdivision into lots and other parcels, showing—
 - (i) their distinguishing numbers; and
 - (ii) their measurements to such a degree of accuracy as will allow the proposed subdivision to be checked;
- (d) the system of drainage for the building estate;
- (e) any telegraph, telephone, or electric power lines running over the building estate; and
- (f) such other particulars, if any, as the Governor may by regulation prescribe.

“(2) The corporation shall refer the application and plan to its engineer or other officer appointed for the purpose, who shall indicate thereon the line of any conduits, pipes, sewers, and drains of the corporation in or on the land and known to him and report to the corporation recommending the acceptance or rejection of the application or its acceptance with such alterations as may be specified in his report, and the reasons for its rejection or alteration, as the case may be.

“(3) Subject to Part XVIII, the corporation, upon consideration of the report of the engineer or other officer, and the report of any other of its officers to whom the corporation has thought fit to refer, may grant or refuse the application or may grant it with such alterations as it may specify, and shall notify the owner in writing—

- (a) of its decision thereon; and
- (b) unless it refuses the application, of the number, which shall not exceed five, of copies of the final plan that it will require and whether it requires a copy or overlay for the purposes of subsection (10).

“(4) The owner on receipt of the corporation’s approval shall, if he desires to proceed—

- (a) have a plan (to be called the ‘final plan’) prepared by a registered surveyor showing—
 - (i) the position, boundaries, and measurements of the building estate;

- (ii) the position, boundaries, and measurements of the streets, roads, and other ways, public and private, existing and to be opened or constructed on the land;
- (iii) the position, distinguishing numbers, boundaries, and measurements of all parcels into which it is proposed to subdivide the land;
- (iv) the position of all easements which exist and are registered under the *Real Property Act 1862* or the *Registration of Deeds Act 1935*, and also all easements which it is proposed to create on or for the benefit of the land or any part thereof ;
- (v) if part of the land is subject to the *Real Property Act 1862*, the boundary between the part so subject and the part not so subject;
- (vi) the position, length, direction, and outlet of all proposed drains; and
- (vii) the parts affected or to be affected by licences to embank highways under the *Highways Act 1951*,

and that plan shall be in conformity with the proposal plan and such alterations, if any, as the corporation may have required; and

- (b) if any of the land to be comprised in the final plan is not under the provisions of the *Real Property Act 1862*, submit to the Recorder of Titles a copy of the proposal plan, with the alterations specified by the corporation, and such evidence of his title to that land as will enable the Recorder to prepare to bring that land under that Act as provided by paragraph (b) of subsection (12) of this section.

“(5) For the purposes of subsection (4) it is not necessary to show existing tunnels, pipes, conduits, wires, or other things which are underground or within or beneath existing buildings otherwise than by indicating the parcel in which they lie and referring to the existing work.

“(6) There shall be attached to a proposal plan a schedule, to be called the ‘schedule of easements’, setting forth in respect of each block or portion of the estate—

- (a) the easements and profits a prender to be appurtenant thereto or to which it will be subject; and
- (b) the covenants the benefit or burden of which is to run therewith.

“(7) A schedule of easements shall be attached to a final plan whether or not there are any easements, profits a prender, or covenants set forth therein, and it—

- (a) shall, if there are any easements, profits a prender, or covenants set forth therein, be signed by a person who can, or such persons as between them can, create the estates and interests that the purchasers of land comprised in the plan are to acquire;
- (b) shall, if signed by a person as mortgagee, be deemed to include his consent—
 - (i) to the creation of those estates and interests; and
 - (ii) if any of the land comprised in the plan and subject to his mortgage is not under the provisions of the *Real Property Act 1862*, his consent to having his mortgage brought under that Act;
- (c) shall, if there are no easements, profits a prender, or covenants set forth therein, be signed by all persons having any registered estate or interest in the land comprised in the plan, or by the solicitors for those persons;
- (d) shall be certified correct for the purposes of the *Real Property Act 1862* as if it were an instrument for the purposes of that Act; and
- (e) shall be deemed to be part of the plan.

“(8) The easements, profits a prender, and covenants set forth in the schedule of easements to a plan shall be deemed to be shown on that plan.

“(9) The owner shall, if he desires to proceed, lodge at the municipal office—

- (a) the final plan, together with the copies the requirement of which has been notified under subsection (3), the copies being marked ‘Copy for the purpose of s. 464 (3)’;
- (b) a nomination of a solicitor who will act for the owner in carrying the final plan through to its taking effect and of a registered surveyor who, each according to his profession, will do what is necessary if the plan has to be amended; and
- (c) the amount of the fees payable to the corporation upon compliance with subsection (11).

“(10) To a final plan and the required copies thereof there shall, if there exist on the land any of the things mentioned in paragraph (c) of this subsection or if the surveyor who verified the final plan or is nominated for the purpose of

amendments thinks fit or the Recorder of Titles or the corporation so requires, be annexed a copy or overlay showing all or any of the following particulars:—

- (a) All such levels as may be necessary to show that all statutory requirements have been fulfilled;
- (b) All conduits, pipes, sewers, and drains in or on the land comprised in the plan, information of which any authority responsible for their laying or maintenance shall give the owner to the best of its ability; and
- (c) An indication of the line of any telegraph, telephone, or electric power lines and cables that will restrict the use of the land,

and certified by a registered surveyor to be true to the best of his knowledge, information, and belief.

“(11) The corporation, upon being satisfied that the final plan so lodged complies with all statutory requirements, shall cause—

- (a) its seal to be affixed to the plan; and
- (b) the sealed plan to be lodged in the office of the Recorder of Titles.

“(12) When the sealed plan is lodged in his office, the Recorder of Titles shall—

(a) if—

- (i) he finds that the owner has not a sufficient title to dispose of all the land comprised in the plan;
- (ii) he finds that the land comprised in the plan omits land of the owner which, as a separate parcel, has not the qualities of a minimum lot, or, if it has those qualities, is in part subject to a mortgage or incumbrance and that either the part so subject or the part not so subject has not the qualities of a minimum lot, or that the land omitted comprises two parcels or more that may, without the approval of any plan by the corporation, lawfully be sold separately so as to create a block which would not have the qualities of a minimum lot; or
- (iii) he considers that the execution of the plan will be inconsistent with the proper administration of the *Real Property Act 1862* or this Act or fail to assure to purchasers what the corporation intended them to have,

notify the corporation and the owner that he requires the plan to be amended as shown on a copy of the plan or a part thereof to be made by him; and

- (b) if a plan comprises any land that is not under the provisions of the *Real Property Act 1862*, prepare to bring it under that Act, and for that purpose shall, subject to the provisions of section four hundred and sixty-four A, as far as possible proceed as if an application to bring that land under the provisions of the *Real Property Act 1862* had been made under section fifteen of that Act, with all necessary consents, by a person competent to make an application for that purpose.

“(13) The Recorder of Titles is not bound to investigate titles for the purposes of paragraph (a) of subsection (12) of this section.

“(14) Where the Recorder of Titles under paragraph (a) of subsection (12) of this section requires an amendment, the corporation shall—

- (a) if it considers that the amendment should not be approved, withdraw the plan and return it to the owner; and
- (b) in any other case notify the Recorder and the owner that it does not oppose the amendment.

“(15) Where an owner is notified under subsection (14) that the corporation does not oppose an amendment he may—

- (a) agree to the amendment;
- (b) request the corporation to withdraw the plan and the corporation shall comply with that request; or
- (c) require the Recorder of Titles to set forth in writing the grounds on which he refuses to accept the plan without amendment and thereupon section one hundred and ten of the *Real Property Act 1862* applies as if the grounds of refusal had to be, and had been, given under subsection (1) of that section.

“(16) When the owner agrees to an amendment under subsection (15) he shall notify the corporation and the Recorder of Titles that he agrees to the amendment.

“(17) Where an amendment is required under subsection (12) the corporation and the owner may put forward other proposals and the Recorder of Titles may amend or vary his requirement, or withdraw it and substitute another.

“(18) If the Recorder of Titles requires an amendment under paragraph (a) of subsection (12) and the owner fails for three months to take any of the courses open to him under subsections (15), (16), and (17) the Recorder may notify the owner and the corporation that he rejects the plan and return the plan to the corporation.

“(19) Where a plan is withdrawn from the office of the Recorder of Titles or rejected by him, the corporation shall cancel its seal thereon and return it to the owner.

“(20) Upon notice to the corporation and the owner the Recorder of Titles may correct any clerical, unimportant, or insubstantial error in a plan lodged in his office, unless within seven days of being given notice one of them objects.

“(21) A sealed plan takes effect when the Recorder of Titles signs a memorandum thereon that he has accepted the plan, whether he does so—

- (a) without requiring any amendment;
- (b) as a result of further discussion;
- (c) upon an order of the Supreme Court; or
- (d) upon the making of an amendment agreed to by the owner and the corporation,

which memorandum shall contain the date on which it is signed.

“(22) Except where the Recorder of Titles is required by section four hundred and sixty-four A to transmit a plan to the Registry of Deeds, when a sealed plan takes effect the Recorder shall at the same time bring under the provisions of the *Real Property Act 1862* any land comprised in the plan that is not under it and shall deliver—

- (a) free to the owner and his surveyor each one certified copy of the sealed plan and to the corporation as many, up to eight, certified copies as it requires; and
- (b) upon payment of the fee prescribed under the provisions of the *Real Property Act 1862* to any person as many certified copies thereof as he pays for,

each copy showing the memorandum of acceptance.

“(23) When a sealed plan that shows easements or other rights over or for the benefit of land which is not under the provisions of the *Real Property Act 1862* takes effect, the Recorder of Titles shall request the Registrar of Deeds to make such entries in the index kept under the *Registration of Deeds Act 1935* as appear to the Recorder to be sufficient to give notice of the existence of those rights to persons searching title in the Registry of Deeds, and the Registrar of Deeds shall comply with that request.

“(24) Where a parcel that is comprised in a sealed plan is in one part subject to one incumbrance and in another part subject to another incumbrance, the Recorder of Titles shall not accept the plan until one part has been freed from incumbrances and when the plan takes effect any incumbrance on the other part shall extend to the whole parcel.

“(25) For the purposes of this section an owner may act and receive notices by his solicitor, except that signatures required by paragraph (a) of subsection (7) shall be done personally or by an attorney duly empowered by deed.

“(26) An owner may change his solicitor or surveyor for the purposes of paragraph (b) of subsection (9) by notice to the Recorder of Titles and to the corporation.

“(27) Where the owner wishes to carry out his scheme by stages he may so state on his proposal plan, indicating the stages therein, and may then lodge separate final plans for the several stages in conformity with the proposal plan and such alterations, if any, as the corporation may have required.

“(28) Instead of amending a document required to be amended under this section the person required to amend it may, and if so required by the Recorder of Titles, shall, substitute for it a new document in the amended form.

“(29) The owner of a building estate may, before submitting a proposal plan, submit to the corporation a sketch plan of the scheme with a request for its opinion on the practicability of the scheme, and if the sketch plan is sufficient the corporation shall give its opinion and where the information is relevant indicate on the sketch plan any intended alterations of the line or boundaries of highways and other works and the line of any conduits, pipes, sewers, and drains of the corporation known to it to be in or on the land.

“(30) The calculations and field notes of the registered surveyor who draws a final plan shall be retained by him until they are required by the Recorder of Titles.

“(31) A notification or requirement under this section shall be in writing.

“464A—(1) If the Recorder of Titles in preparing to bring land under the provisions of the *Real Property Act 1862* in pursuance of subsection (12) of section four hundred and sixty-four, make a requisition with which the owner cannot or will not comply, the owner may notify the Recorder of Titles that he requires—

- (a) his land to be dealt with on the basis of the documents and evidence that he has already supplied; or
- (b) the Recorder to return the plan to the corporation as withdrawn.

“(2) When the Recorder of Titles thinks that the plan is fit for acceptance under subsection (21) of section four hundred and sixty-four but is not prepared to register an ordinary certificate of title (as defined in subsection (1) of section nineteen of the *Real Property Act 1862*) he shall, as soon as possible, notify the owner that—

- (a) he is prepared to register a qualified certificate of title (as defined in subsection (5) of the last-mentioned section); or

Procedure
when land
not under
the *Real
Property
Act 1862*.

- (b) he is not prepared to register any certificate of title and that he will, therefore, reject the plan.

“(3) On receipt of a notification in accordance with paragraph (a) of subsection (2) the owner shall notify the Recorder of Titles that he—

- (a) will accept such a certificate as the Recorder has indicated that he is prepared to register;
- (b) requires the plan to be transmitted to the Registry of Deeds; or
- (c) requires the plan to be returned to the corporation as withdrawn.

“(4) Where the Recorder of Titles is required under subsection (3) to transmit a plan to the Registry of Deeds he shall do so unless he is of opinion that the owner could reasonably have complied with a requisition made by the Recorder, in which case the Recorder shall require the owner to comply with the requisition within a time to be specified by him, and if the owner does not so comply the Recorder shall reject the plan.

“(5) Upon the expiration of a period of three months after the date on which a plan that comprises land not under the provisions of the *Real Property Act* 1862 is lodged in the office of the Recorder of Titles pursuant to subsection (11) of section four hundred and sixty-four, if the Recorder has not notified the owner as provided by subsection (2) of this section—

- (a) the owner, if he has taken all steps required of him to make the plan fit for acceptance under subsection (21) of section four hundred and sixty-four and has complied with all proper requisitions made by the Recorder in preparing to bring the land under the provisions of the *Real Property Act* 1862, may require the Recorder to proceed in accordance with paragraph (b) of this subsection;
- (b) subject to paragraph (c) of this subsection, when the Recorder receives a requisition under paragraph (a) of this subsection, he shall, within two months—
- (i) accept the plan and register an ordinary certificate of title for all the land comprised therein;
- (ii) notify the owner that he is prepared to register a qualified certificate of title; or
- (iii) notify the owner that he is not prepared to register any certificate of title;

(c) if, within two months after the date on which he receives a requisition under paragraph (a) of this subsection the Recorder—

(i) notifies the corporation and the owner under paragraph (a) of subsection (12) of section four hundred and sixty-four; or

(ii) makes any requisition that is proper in preparing to bring under the provisions of the *Real Property Act 1862* land comprised in the plan which is not under those provisions,

the Recorder is not obliged to act as provided in paragraph (b) of this subsection, but the owner, upon taking the steps required of him to make the plan fit for acceptance or complying with the requisition, may again require the Recorder to proceed in accordance with the last-mentioned paragraph, and thereupon this paragraph applies to that requisition, and so on from time to time;

(d) the owner may at any time apply in a summary way to a judge in chambers in respect of any requisition by the Recorder under paragraph (c) of this subsection after the owner has required the Recorder to proceed under this subsection and the judge shall make such order upon the application, including such order as to costs, as appears to him to be just;

(e) where the owner is notified in accordance with sub-paragraph (ii) or sub-paragraph (iii) of paragraph (b) of this subsection, he shall notify the Recorder that he—

(i) will accept such a certificate as the Recorder has indicated that he is prepared to register;

(ii) requires the plan to be transmitted to the Registry of Deeds; or

(iii) requires the plan to be returned to the corporation as withdrawn;

(f) where the owner has required the Recorder to proceed in accordance with paragraph (b) of this subsection, and the Recorder fails, within two months after being so required, to notify the owner or make a requisition under paragraph (b) or paragraph (c) of this subsection, the owner may notify the Recorder that he requires the plan to be transmitted to the Registry of Deeds;

(g) the Recorder, if required to transmit the plan to the Registry of Deeds or return it to the corporation, shall do so; and

- (h) when a plan is returned to the corporation as withdrawn, the corporation shall cancel its seal thereon and return it to the owner.

“(6) Where in this section provision is made for the transmission of a plan to the Registry of Deeds—

- (a) the sealed plan shall only be transmitted if none of the land comprised in it is under the provisions of the *Real Property Act* 1862, and if some of the land is under that Act a copy to be made by the Recorder of Titles shall be transmitted instead and shall have effect as a duplicate original;
- (b) before transmitting the plan the Recorder shall—
- (i) accept it as provided in subsection (21) of section four hundred and sixty-four;
 - (ii) if some, but not all, the land comprised in the plan can be brought under the provisions of the *Real Property Act* 1862, at the same time bring under that Act the land which can be brought under it; and
 - (iii) in every case, deliver copies of the plan as provided in subsection (22) of section four hundred and sixty-four;
- (c) if a lot on the plan is partly under the provisions of the *Real Property Act* 1862 and partly not under those provisions, the Recorder may—
- (i) notwithstanding any action already taken with respect thereto, require an amendment of the plan to remove that lot therefrom; or
 - (ii) if that lot is free from mortgages or incumbrances under the *Real Property Act* 1862, before transmitting the plan, amend it to show that lot as not in any part under the provisions of that Act and amend the register book under that Act accordingly;
- (d) where a copy of the sealed plan is transmitted, the Recorder shall indicate on the sealed plan and the copy what land is under the provisions of the *Real Property Act* 1862 and what land is not under those provisions; and
- (e) the Registrar of Deeds shall register the sealed plan or the copy (whichever is transmitted to him) as on the day on which the plan is accepted.

“(7) If the owner is aggrieved by any notification or requirement of the Recorder of Titles under this section, section one hundred and ten of the *Real Property Act* 1862 applies as if the Recorder’s notification or requirement were a refusal mentioned in paragraph (a) of subsection (1) of that section.

“(8) A notification or requirement under this section shall be in writing.”.

3 Section four hundred and sixty-five of the Principal Act is amended by omitting subsection (2A) thereof. Minimum requirements for roads and lots.

4 Section four hundred and sixty-eight of the Principal Act is amended by omitting from subsection (16) thereof the words “section eleven of the *Real Property Act 1863*” and substituting therefor the words “section nineteen of the *Real Property Act 1862*”. Conveyancing provisions.

5 Section four hundred and sixty-nine of the Principal Act is amended— Building subdivisions.

(a) by omitting paragraphs (b) and (c) of subsection (1) thereof and substituting therefor the following paragraphs:—

“(b) the scheme of a building estate which has taken effect under section four hundred and sixty-four; or

“(c) a plan of subdivision which has taken effect under this section.”;

(b) by omitting from subsection (5) thereof the words “Subsection (6) of section four hundred and sixty-four applies” and substituting therefor the words “Subsections (6), (7), and (8) of section four hundred and sixty-four apply”;

(c) by omitting from subsection (6) thereof the words “(7), (8), and (9)” and substituting therefor the words “(9), (10), and (11)”;

(d) by omitting from subsection (7) thereof the words “(10) to (27)” and substituting therefor the words “(12) to (31)”;

(e) by omitting from subsection (10) thereof the words “approved and lodged or registered” and substituting therefor the words “of subdivision”.

6 Section four hundred and seventy of the Principal Act is amended by omitting paragraphs (b) and (c) of subsection (1) thereof and substituting therefor the following paragraphs:— Subdivisions not for building purposes.

“(b) the scheme of a building estate that has taken effect under section four hundred and sixty-four; or

“(c) a plan of subdivision which has taken effect under section four hundred and sixty-nine.”.

7 Section four hundred and seventy-one of the Principal Act is amended by omitting paragraphs (e) and (f) of subsection (1) thereof and substituting therefor the following paragraphs:— Subdivisions near Hobart and Launceston or bounded by State highways, &c.

“(e) the scheme of a building estate that has taken effect under section four hundred and sixty-four; or

“(f) a plan of subdivision that has taken effect under section four hundred and sixty-nine.”

Adhesion orders.

8 Section four hundred and seventy-seven A of the Principal Act is amended—

(a) by omitting paragraph (a) of subsection (6) thereof and substituting therefor the following paragraph:—

“(a) The Recorder of Titles shall—

(i) bring under the provisions of the *Real Property Act 1862* that part, if any, of the land subject to the order that is not under that Act, for which purpose he shall as far as possible proceed as if an application to bring that land under that Act had been made under section fifteen of that Act, with all necessary consents, by a person competent to make an application for that purpose; and

(ii) register a consolidated certificate of title to all the land, noting the adhesion order thereon,

and, for the latter purpose, may call in and cancel in accordance with section one hundred and thirty-six of that Act certificates of title to parts of the land;”;

(b) by inserting after that subsection the following subsections:—

“(6A) Where by subsection (6) the Recorder of Titles is directed to bring any land under the provisions of the *Real Property Act 1862*, and no survey is available such as he could require under section one hundred and four of that Act, he may describe the land on the certificate of title by means of a description by metes and bounds instead of by reference to a plan.

“(6B) Where, in any certificate of title registered pursuant to this section, land is described by means of a description by metes and bounds—

(a) no action shall be brought against the Recorder of Titles or the assurance fund constituted under the *Real Property Act 1862* by reason or in respect of any difference between the area of the land or the position or dimensions of the boundaries stated

in the certificate of title and the actual area, position, or dimensions as found by admeasurement on the ground;

- (b) a solicitor who acts for any party taking or proposing to take any estate or interest in the land from the registered proprietor of the certificate of title is not under any duty to check that the description in the certificate of title agrees with the description in the antecedent documents of title; and
- (c) upon such evidence of boundaries as he deems sufficient, the Recorder may cancel the certificate of title and replace it by an ordinary certificate of title or a qualified certificate of title (as defined in section nineteen of the *Real Property Act 1862*), as the circumstances of the case may require.

“(6C) Where pursuant to this section the Recorder of Titles registers a certificate of title which contains a plan of any land, he shall not indicate on that plan the boundaries of the parcels which the land formerly comprised.”; and

- (c) by omitting subsections (8) to (18) and substituting therefor the following subsection:—

“(8) The corporation, if it thinks fit, may discharge or modify any adhesion order by an order registered under the *Real Property Act 1862*.”.

9 After section four hundred and seventy-seven A of the Principal Act the following section is inserted:—

“477B—(1) Where an owner wishes to subdivide off his land—

- (a) one or more sub-minimum lots which are to be sold or given to one or more adjoining owners without leaving a sub-minimum lot;
- (b) one or more sub-minimum lots which are to be sold or given to one or more adjoining owners leaving a sub-minimum lot to be retained by him as part of his adjoining land; or
- (c) one or more minimum lots leaving a sub-minimum lot to be retained by him as part of his adjoining land,

so that each sub-minimum lot and the land to which it is to be added will together form a minimum lot, he shall submit to the corporation a plan of subdivision which shall include the land to be subdivided and the adjoining land to be added to.

Special provisions as to subdivision of sub-minimum lots.

“(2) Where two or more owners wish to subdivide off their land sub-minimum lots which upon sale or gift to the same purchaser or donee would together give that purchaser or donee a minimum lot, they shall submit to the corporation a plan of the minimum lot to result from those sales or gifts, delineating the boundaries of the sub-minimum lots which together form the minimum lot.

“(3) A plan under subsection (1) or subsection (2) may include a subdivision under section four hundred and sixty-four or section four hundred and sixty-nine, but if it does not the provisions of subsections (2) to (5) of section four hundred and sixty-nine apply as nearly as possible to the plan as if it were a plan of subdivision under that section.

“(4) If the corporation approves a plan submitted in accordance with this section—

(a) except as otherwise provided in this section, the plan shall be dealt with, and has effect, as provided in section four hundred and sixty-nine; and

(b) the corporation shall set forth on the plan the purposes for which the plan is approved, in whichever of the following terms is appropriate namely:—

(i) If the plan is submitted under only paragraph (a) or paragraph (b) of subsection (1), that the plan is approved only for the purposes of enabling specified sub-minimum lots to be added to specified adjoining land;

(ii) If the plan is submitted only under subsection (2), that the plan is approved only for the purpose of enabling a purchaser or donee to acquire all the sub-minimum lots which together form the minimum lot shown on the plan; and

(iii) If the plan is submitted under paragraph (c) of subsection (1) or under both subsection (1) and subsection (3) or under both subsection (2) and subsection (3), that the plan is approved, firstly for the purpose only of enabling specified sub-minimum lots to be added to specified adjoining land, or of enabling a purchaser or donee to acquire all the sub-minimum lots which are together to form the minimum lot, as the case may be, and secondly, to give effect to the subdivision under section four hundred and sixty-four, or section four hundred and sixty-nine,

as the case may be, but so that the second of those purposes shall not be effective until the first of those purposes has been achieved.

“(5) If a plan of subdivision approved by the corporation under this section and lodged in the office of the Recorder of Titles includes any adjoining land to be added to that is not under the provisions of the *Real Property Act 1862*, the Recorder shall take no further action upon the plan until applications to bring all such land under those provisions have been made under section fifteen of that Act.

“(6) When a plan of subdivision under this section is fit for acceptance and the Recorder is in a position to bring under the provisions of the *Real Property Act 1862* all the land comprised therein that is not already under the provisions of that Act he shall notify the corporation and the owner that the plan is available for the purposes relating to the sub-minimum lots thereon for which it is expressed to be approved.

“(7) After notification has been given in accordance with subsection (6) of this section, the purposes relating to the sub-minimum lots thereon for which the plan is expressed to be approved may be achieved in manner following and in no other way, namely:—

- (a) Such assurances as may be necessary to achieve those purposes shall be lodged with the Recorder of Titles so that a period of not more than one week elapses between the dates of lodgment of the first and last assurances to be lodged and the Recorder shall refuse to register any assurances that are lodged otherwise than in accordance with this paragraph;
- (b) An assurance under this subsection shall be a memorandum of transfer as if the land assured were under the provisions of the *Real Property Act 1862* (notwithstanding that the land may not be under those provisions), and when registered it is as valid and effectual as if it had been executed and lodged after the land assured had been brought under the provisions of that Act; and
- (c) Subject to subsections (8) and (9), when all the transfers necessary to achieve all the purposes relating to the sub-minimum lots for which the plan is expressed to be approved have been lodged with him and are in order for registration, the Recorder shall—
 - (i) accept the plan;
 - (ii) bring under the provisions of the *Real Property Act 1862* all the lands comprised in the plan that are not already under those provisions;
 - (iii) register the transfers; and

- (iv) register such certificates of title consolidating sub-minimum lots with adjoining land or with other sub-minimum lots as are necessary to achieve the purposes for which the plan was approved.

“(8) Where, to achieve a purpose for which a plan is approved under this section, one block is to be added to another or others, a transfer of the one to the owner of the other or others is not in order for registration, and the Recorder shall not register a certificate of title consolidating a block with the owner’s adjoining land, until not more than one of the blocks that are to be added together to form one whole is subject to incumbrances, and on the registration of the transfer or the consolidated certificate of title any incumbrance on that block extends to the other or others.

“(9) Unless all the transfers necessary to achieve the purposes relating to the sub-minimum lots thereon for which a plan of subdivision under this section is expressed to be approved are lodged within three years after the date of the notification under subsection (6) the plan is void and shall be cancelled by the Recorder of Titles and returned to the corporation, which shall thereupon cancel its seal thereon.

“(10) Where the Recorder of Titles accepts a plan under paragraph (c) of subsection (7)—

- (a) a transfer of a sub-minimum lot that he is directed by that subsection to register may not be withdrawn from registration; and
- (b) blocks that, to achieve the purposes for which the plan was approved by the corporation, are to be added to one another shall not thereafter be dealt with as separate parcels except in accordance with the scheme of a building estate or a plan of subdivision (other than the plan approved under this section) approved by the corporation.

“(11) Where the Recorder of Titles registers a certificate of title under paragraph (c) of subsection (7) he shall not indicate thereon the boundaries that previously divided the sub-minimum lots and other lands comprised in the certificate.

“(12) For the purposes of subsection (1), where adjoining land to be added to comprises the whole of the land, or the untransferred balance of land in a Crown grant or certificate of title registered under the *Real Property Act* 1862, or is a lot on a previously approved plan, that part of the plan which comprises that adjoining land may be compiled from plans lodged in the office of the Recorder of Titles or registered in the Registry of Deeds, but the foregoing provisions of this subsection do not prevent the Recorder from requiring such further survey information relating to that adjoining land as he thinks necessary for the proper administration of the *Real Property Act* 1862 before he notifies under subsection (6) that the plan is available as mentioned in that subsection.

“(13) This section applies only to land within a building area.

“(14) The corporation, with the approval of the Commissioner, may exempt a subdivision from the operation of this section if—

- (a) it is satisfied that all sub-minimum lots to be subdivided are intended to be added to adjoining lands which are used for grazing, pastoral, agricultural, horticultural, or similar purposes; or
- (b) in the opinion of the corporation, it is unlikely that a sub-minimum lot created by the subdivision would be purchased as the site for a dwelling-house,

and if it does so, it shall certify the exemption on the plan prepared for the purpose of carrying out the subdivision.

“(15) In this section, ‘sub-minimum lot’ means a parcel of land that has not the qualities of a minimum lot.”.

10 The sections of the Principal Act that are specified in the first column of the schedule to this Act are amended as respectively specified in the second column of that schedule. Consequential amendments.

11—(1) Nothing in this Act or in the Principal Act as amended by this Act applies to or in relation to any scheme of a building estate or plan of subdivision for the approval of which application has been made to a corporation before the commencement of this Act and every such scheme or plan may be dealt with and take effect as if this Act had not commenced. Transitory provisions.

(2) For the purposes of subsection (1) of this section the corporation shall certify on every scheme or plan for the approval of which application was made to it before the commencement of this Act the date on which the application was made to it; and in the absence of any such certificate the Recorder of Titles may proceed as if the application were made after the commencement of this Act, and where in consequence he brings land under the provisions of the *Real Property Act* 1862, his so doing is conclusive evidence that the application was made after the commencement of this Act.

(3) Notwithstanding subsection (1) of this section, the provisions of section four hundred and seventy-seven A of the Principal Act (as amended by section eight of this Act) and of section four hundred and seventy-seven B of the Principal Act (being the section so numbered that is inserted by section nine of this Act) apply to and in relation to a scheme of a building estate or plan of subdivision for the approval of which application was made to a corporation before the commencement of this Act and in respect of which the corporation’s approval had not been given on the date of the commencement of this Act as if this Act had commenced before the date of the application.

(4) Section four hundred and seventy-seven A of the Principal Act (as amended by section eight of this Act) and section four hundred and seventy-seven B of the Principal Act (being the section so numbered that is inserted by section nine of this Act) have effect for all purposes on and after the first day of February 1967 as if the amendments of the Principal Act effected by the remaining provisions of this Act had been expressed to commence, and had commenced, on that day.

(5) In subsections (1), (2), and (3) of this section, a reference to the commencement of this Act shall be construed as a reference to the day fixed pursuant to subsection (3) of section one of this Act.

THE SCHEDULE.

(Section 10.)

Consequential amendments of the Principal Act.

FIRST COLUMN.	SECOND COLUMN.
Section amended.	How amended.
481	By omitting from subsection (1) the numerals "(20)" and substituting therefor the numerals "(21)". By omitting from subsection (10) the words "(11) to (25)" and substituting therefor the words "(12) to (31)".
482	By omitting from subsection (1) the numerals "(20)" and substituting therefor the numerals "(21)".
485	By omitting from subsection (4) the words "(9) to (25)" and substituting therefor the words "(11) to (28)".

INSPECTION OF MACHINERY.

No. 49 of 1966.

AN ACT to amend the *Inspection of Machinery Act 1960.* [12 December 1966.]

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:—

Short title, citation, and commencement.

1—(1) This Act may be cited as the *Inspection of Machinery Act 1966.*

(2) The *Inspection of Machinery Act 1960*, as subsequently amended, is in this Act referred to as the Principal Act.