

* Please see Amendments to
this Bill.

LEGISLATIVE ASSEMBLY

Read 1 11 November 1987

(Brought from the Legislative Council)

A BILL

for

An Act to amend the *Associations Incorporation Act* 1981, the *Business Names Act* 1962, the *Magistrates (Summary Proceedings) Act* 1975 and for other purposes.

Associations Incorporation and Business Names (Amendment) Act 1987

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

Purposes.

1. The purposes of this Act are—

- 5 (a) to extend the use of penalty notices to offences arising under
 the *Associations Incorporation Act* 1981 and the *Business
 Names Act* 1962; and
- 10 (b) to alter the regulation-making powers under the *Associations
 Incorporation Act* 1981 and the *Business Names Act* 1962;
 and
- (c) to make consequential amendments to the *Magistrates
 (Summary Proceedings) Act* 1975; and
- (d) to make other minor amendments to the *Associations
 Incorporation Act* 1981 and the *Business Names Act* 1962.

Commencement.

2. This Act comes into operation on the twenty-eighth day after the day on which it receives the Royal Assent.

**PART 2—AMENDMENT OF ASSOCIATIONS INCORPORATION ACT
1981**

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Principal Act.

3. In this Part, the *Associations Incorporation Act* 1981 is called the Principal Act.

No. 9713.
Reprinted to
No. 110/1988.

Applications to bring land under operation of Transfer of Land Act.

4. In section 9 (3) of the Principal Act, for the expression commencing “may make an application” and ending at the end of the sub-section substitute— 10

“may—

(c) make an application in the prescribed form; or

(d) make an application under Division 3 of Part II. of the *Transfer of Land Act* 1958— 15

to bring the land under the operation of that Act by registering a certificate of title to the land, and—

(e) Division 1 of Part II. of that Act applies to and in respect of the application in the prescribed form as if it were an application under section 9 of that Act; and 20

(f) Division 3 of Part II. of that Act applies to an application under that Division—

except in so far as this section provides for matters referred to in those Divisions.”. 25

Public officers of or over 72 years.

5. (1) In section 25 (2) (a) of the Principal Act, after “years and” insert “, unless appointed by a resolution under sub-section (2B),”.

(2) After section 25 (2) of the Principal Act insert—

“(2A) A person who has attained the age of 72 years may continue to act as a public officer of an incorporated association during the period commencing on the day on which the person attains the age of 72 years and ending at the conclusion of the next annual general meeting of the incorporated association. 30

(2B) A person who has attained the age of 72 years may, by a resolution stating the age of that person, being a resolution which is passed at a general meeting of the incorporated association, be appointed or re-appointed as a public officer of that incorporated association to 35

hold office until the conclusion of the next annual general meeting of the incorporated association.”.

(3) In section 27 (2) of the Principal Act—

(a) omit “or” at the end of paragraph (f); and

(b) paragraph (g) is repealed.

Statement of particulars.

6. For section 30 (4) of the Principal Act substitute—

“(4) The public officer of an incorporated association must, within one month after the date of the annual general meeting of the incorporated association or, if the annual general meeting is not held within the period within which it is required by this section to be held, within one month after the last day of that period, give to the Registrar a statement in the prescribed form—

(a) containing the particulars referred to in sub-section (3); and

(b) if the meeting has been held, accompanied by a certificate signed by a person who attended the meeting, being a member of the committee of the incorporated association, to the effect that the statement has been submitted to the members at an annual general meeting of the incorporated association; and

(c) if the meeting has been held, accompanied by a statement of the terms of any resolution passed at that meeting concerning that statement; and

(d) accompanied by the prescribed fee (if any).

Penalty: 2 penalty units.”.

Inspection of register.

7. In section 40 (2) of the Principal Act, after “of a document” insert “or an extract of information contained in a document and recorded in the register”.

Evidentiary provision.

8. In section 44 (1) of the Principal Act, after paragraph (a) insert—

“(aa) that a requirement of this Act specified in the certificate—

(i) had or had not been complied with at a date or within a period specified in the certificate; or

(ii) had been complied with at a date specified in the certificate but not before that date;”.

Offences.

9. (1) In section 50 of the Principal Act, for “50. A person” substitute “50. (1) A person”.

(2) At the end of the section insert—

“(2) Despite anything to the contrary in any other Act, 5
proceedings for any offence against this Act may be commenced
within three years after the commission of the alleged offence.”.

New sections 50A and 50B inserted.

10. After section 50 of the Principal Act insert—

Continuing offences. 10

“50A. (1) If—

- (a) by or under a provision of this Act, an act or thing is required or directed to be done within a particular period or before a particular time; and
- (b) failure to do the act or thing within that period or before 15
that time constitutes an offence; and
- (c) the act or thing is not done within that period or before that time—

then—

- (d) the obligation to do the act or thing continues, despite the 20
fact that that period has expired or that time has passed,
and whether or not a person is convicted of an offence in
relation to failure to do the act or thing, until the act or
thing is done; and
- (e) sub-section (3) applies. 25

(2) If—

- (a) by or under a provision of this Act, an act or thing is required or directed to be done but neither a period within which, nor a time before which, the act or thing is to be done is specified; and 30
- (b) failure to do the act or thing constitutes an offence; and
- (c) a person is convicted of an offence in relation to the failure to do the act or thing—

then—

- (d) the obligation to do the act or thing continues, despite the 35
conviction, until the act or thing is done; and
- (e) sub-section (3) applies.

(3) If—

- (a) at a particular time a person is convicted of an offence in 40
relation to the failure to do the act or thing; and

(b) the failure to do the act or thing continues after that time—the person is, in relation to the failure, guilty of a further offence in respect of so much of the period throughout which the failure continues as elapses after that time.

- 5 (4) If a person is guilty by virtue of sub-section (3) of an offence in respect of a particular period, the penalty applicable to the offence is a fine of the amount obtained by multiplying one penalty unit by the number of days in that period.”.

Penalty notices.

- 10 ‘50B. (1) Where the Registrar has reasonable cause to believe that, whether before or after the commencement of section 9 of the *Associations Incorporation and Business Names (Amendment) Act 1987*, a person has committed a prescribed offence, the Registrar or a person authorised by the Registrar may, subject to sub-section (2), serve on
15 the person a notice in the prescribed form—

- (a) alleging that the person has committed the prescribed offence and giving the prescribed particulars in relation to the prescribed offence; and
- 20 (b) setting out the prescribed penalty in respect of the prescribed offence; and
- (c) stating—
 - (i) in the case of a prescribed offence constituted by a failure to do a particular act or thing—
 - 25 (A) that the obligation to do the act or thing continues despite the service of the notice or the payment of the prescribed penalty; and
 - (B) that if, within the period specified in the notice (being a period that is not less than 21 days), the person pays the prescribed penalty to the authority specified in the notice and does the act or thing, no further action will be taken against the person in relation to the prescribed offence; and
 - 30 (C) that if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice or has not done the act or thing, proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person; or
 - 35
 - (ii) in the case of a prescribed offence, not being an offence constituted by a failure to do a particular act or thing—
 - 40 (A) that if, within the period specified in the notice (being a period that is not less than 21 days), the person pays the prescribed penalty to the authority
 - 45

specified in the notice, no further action will be taken against the person in relation to the prescribed offence; and

- (B) that if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice, proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person. 5 10

(2) Sub-section (1) does not empower the Registrar or a person authorised by the Registrar—

- (a) to serve on a person more than one notice under that sub-section in relation to an alleged commission by that person of a particular prescribed offence; or 15
(b) to serve on a person a notice under that sub-section in relation to a prescribed offence unless proceedings could be instituted against that person for that offence in accordance with section 50 (2). 20

(3) A notice under sub-section (1) may be served—

- (a) in the case of a natural person—
(i) personally; or
(ii) by post addressed to the last known address of the person; or 25
(b) in the case of an incorporated association, in accordance with section 48.

(4) Where a notice under sub-section (1) is served on a person in relation to a prescribed offence constituted by a failure to do a particular act or thing— 30

- (a) if, within the period specified in the notice, the person pays the prescribed penalty to the authority specified in the notice, and does the act or thing—no proceedings may be instituted against the person in respect of the prescribed offence; or
(b) if, at the expiration of the period specified in the notice, the person has paid the prescribed penalty to the authority specified in the notice but has not done the act or thing—no proceedings may be instituted against the person in respect of the prescribed offence, but the obligation to do that act or thing continues, and section 50A applies in relation to the continued failure to do that act or thing as if, on the day on which the person so paid the prescribed penalty, the person had been convicted of an offence constituted by a failure to do that act or thing; or 35 40
(c) if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority 45

specified in the notice but has done the act or thing—
proceedings may be instituted, or procedures for the
enforcement of infringement penalties under Part VIIA of
the *Magistrates (Summary Proceedings) Act* 1975 may be
used, against the person in respect of the prescribed offence;
or

(d) if, at the expiration of the period specified in the notice, the
person has not paid the prescribed penalty to the authority
specified in the notice and has not done the act or thing—
the obligation to do that act or thing continues, and
proceedings may be instituted, or procedures for the
enforcement of infringement penalties under Part VIIA of
the *Magistrates (Summary Proceedings) Act* 1975 may be
used, against the person in respect of the prescribed offence.

(5) Where a notice under sub-section (1) is served on a person in
relation to a prescribed offence, not being an offence constituted by a
failure to do a particular act or thing—

(a) if, within the period specified in the notice, the person pays
the prescribed penalty to the authority specified in the
notice—no proceedings may be instituted against the person
in respect of the prescribed offence; or

(b) if, at the expiration of the period specified in the notice, the
person has not paid the prescribed penalty to the authority
specified in the notice—proceedings may be instituted, or
procedures for the enforcement of infringement penalties
under Part VIIA of the *Magistrates (Summary Proceedings)*
Act 1975 may be used, against the person in respect of the
prescribed offence.

(6) The payment of an amount by a person pursuant to a notice
served on the person under this section in relation to a prescribed
offence shall not be taken for any purpose to be an admission by that
person of any liability in connection with the alleged commission of
the prescribed offence.

(7) Except as provided by sub-sections (4) (a) and (b) and (5) (a),
this section does not affect the operation of any provision of this or any
other Act in relation to the institution of proceedings in respect of
offences that are prescribed offences for the purposes of this section.

(8) In this section, “authority” includes a person.’.

Substitution of section 53.

11. For section 53 of the Principal Act substitute—

Incorporated association not a corporation.

“53. An incorporated association is not a corporation within the
meaning of the *Companies (Victoria) Code*.”.

Amendment of regulation-making powers.

12. (1) After section 54 (2) (a) of the Principal Act insert—
- “(aa) prescribe forms for the purposes of this Act;
 - (ab) make provision for the verification by statutory declaration of statements in forms prescribed for the purposes of this Act; 5
 - (ac) prescribe offences against this Act (not being offences the penalties applicable to which include a term of imprisonment that exceeds six months or a pecuniary penalty that exceeds 25 penalty units), or offences against the regulations, for the purposes of section 50B; 10
 - (ad) in relation to each offence that is prescribed pursuant to this sub-section—
 - (i) prescribe the particulars that are to be given in a notice served on a person under section 50B in relation to an offence; and 15
 - (ii) prescribe the amount of the penalty (being an amount that does not exceed half the amount of the penalty applicable to the offence) that is payable in respect of the offence pursuant to a notice served on the person under section 50B in relation to the offence;” 20
- (2) After section 54 (2) of the Principal Act insert—
- “(3) The regulations—
 - (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstance. 25
- (4) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act 1962* which disallowance is deemed disallowance by Parliament for the purposes of that Act.” 30

Other amendments.

13. (1) Section 2 of the Principal Act is repealed.
- (2) In section 31 (3) (b) of the Principal Act omit “to” (where first occurring). 35

PART 3—AMENDMENT OF *BUSINESS NAMES ACT 1962*

Principal Act.

- 14 In this Part, the *Business Names Act 1962* is called the Principal Act.

Definitions.

15. In section 4 (1) of the Principal Act—

(a) for the definition of “Christian name” substitute—

“Christian or given name” means the first name or any other name given to a person.”; and

(b) after the definition of “Director” insert—

“Family name” means the surname or other part of a name which is not a Christian or given name.”; and

(c) in the definition of “Registered address” omit “, section 11 (1A)”.

Name of a person.

16. In section 5 (2) (a) of the Principal Act—

(a) for “surname” substitute “family name”; and

(b) after “christian” (wherever occurring) insert “or given”.

Applications for registration of business names.

17. Section 7 of the Principal Act is amended as follows:

(a) In sub-section (1) (c), for “nominated in accordance with sub-section (1A)” substitute “in the State nominated”;

(b) In sub-section (1) (d), for “names and surname and any former christian names or surname” substitute “or given names and former christian or given names or family name, date of birth,”;

(c) Sub-section (1A) is repealed;

(d) In sub-section (2), omit “and the date of his birth shall be set out in the statement”.

Renewal of registration.

18. In section 11 of the Principal Act—

(a) sub-section (1A) is repealed; and

(b) in sub-section (4), for “one month” (where twice occurring) substitute “two months”.

Changes in particulars.

19. Section 12 of the Principal Act is amended as follows:

(a) Sub-sections (1A) and (1B) are repealed;

(b) In sub-section (1C)—

(i) after “an address” insert “in the State”; and

(ii) for “each of the persons carrying on the business may be lodged with the Commissioner specifying in accordance with section 7 (1A) another address”

substitute "one of the persons in relation to whom the name is registered may be lodged with the Commissioner specifying another address in the State";

(c) In sub-section (2)—

(i) for "names or surname" substitute "or given names or family name"; and 5

(ii) for "place of the registered office" substitute "address of the registered office";

(iii) for "that person" substitute "one of the persons in relation to whom the name is registered"; and 10

(d) After sub-section (2) insert—

"(2A) Sub-section (2) does not apply to a change in the corporate name or the address of the registered office in the State of a corporation if the change has been notified in accordance with the *Companies (Victoria) Code*."; 15

(e) In sub-section (4)—

(i) in paragraph (a), for "names and surname and any former christian names or surname" substitute "or given names and family name and any former christian or given names or family name, date of birth,"; and 20

(ii) in paragraph (a), omit "and the date of his birth shall be set out therein"; and

(iii) in paragraph (b), for "place" substitute "address".

Cancellation of registration.

20. In section 19 (1A) of the Principal Act, for "sub-section (1)" substitute "sub-section (1) (e)". 25

Extracts of documents.

21. In section 22 (2) of the Principal Act, after "of a document" insert "or an extract of information contained in a document lodged under this Act". 30

New section 28A inserted.

22. After section 28 of the Principal Act insert—

Penalty notices.

'28A. (1) Where the Commissioner has reasonable cause to believe that, whether before or after the commencement of section 21 of the *Associations Incorporation and Business Names (Amendment) Act 1987*, a person has committed a prescribed offence, the Commissioner may, subject to sub-section (2), serve on the person a notice in the prescribed form— 35

(a) alleging that the person has committed the prescribed offence and giving the prescribed particulars in relation to the prescribed offence; and

(b) setting out the prescribed penalty in respect of the prescribed offence; and

(c) stating—

(i) in the case of a prescribed offence constituted by a failure to do a particular act or thing—

(A) that the obligation to do the act or thing continues despite the service of the notice or the payment of the prescribed penalty; and

(B) that if, within the period specified in the notice (being a period that is not less than 21 days), the person pays the prescribed penalty to the authority specified in the notice and does the act or thing, no further action will be taken against the person in relation to the prescribed offence; and

(C) that if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice or has not done the act or thing, proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person; or

(ii) in the case of a prescribed offence, not being an offence constituted by a failure to do a particular act or thing—

(A) that if, within the period specified in the notice (being a period that is not less than 21 days), the person pays the prescribed penalty to the authority specified in the notice, no further action will be taken against the person in relation to the prescribed offence; and

(B) that if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice, proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person.

(2) Sub-section (1) does not empower the Commissioner—

(a) to serve on a person more than one notice under that sub-section in relation to an alleged commission by that person of a particular prescribed offence; or

- (b) to serve on a person a notice under that sub-section in relation to a prescribed offence unless proceedings could be instituted against that person for that offence in accordance with section 28 (3).
- (3) A notice under sub-section (1) may be served on a natural person— 5
- (a) personally; or
- (b) by post addressed to the last known address of the person.
- (4) Where a notice under sub-section (1) is served on a person in relation to a prescribed offence constituted by a failure to do a particular act or thing— 10
- (a) if, within the period specified in the notice, the person pays the prescribed penalty to the authority specified in the notice, and does the act or thing—no proceedings may be instituted against the person in respect of the prescribed offence; or 15
- (b) if, at the expiration of the period specified in the notice, the person has paid the prescribed penalty to the authority specified in the notice but has not done the act or thing—no proceedings may be instituted against the person in respect of the prescribed offence, but the obligation to do that act or thing continues, and section 28 applies in relation to the continued failure to do that act or thing as if, on the day on which the person so paid the prescribed penalty, the person had been convicted of an offence constituted by a failure to do that act or thing; or 20 25
- (c) if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice but has done the act or thing—proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person in respect of the prescribed offence; or 30
- (d) if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice and has not done the act or thing—the obligation to do that act or thing continues, and proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person in respect of the prescribed offence. 35 40
- (5) Where a notice under sub-section (1) is served on a person in relation to a prescribed offence, not being an offence constituted by a failure to do a particular act or thing—
- (a) if, within the period specified in the notice, the person pays the prescribed penalty to the authority specified in the 45

notice—no proceedings may be instituted against the person in respect of the prescribed offence; or

(b) if, at the expiration of the period specified in the notice, the person has not paid the prescribed penalty to the authority specified in the notice—proceedings may be instituted, or procedures for the enforcement of infringement penalties under Part VIIA of the *Magistrates (Summary Proceedings) Act 1975* may be used, against the person in respect of the prescribed offence.

(6) The payment of an amount by a person pursuant to a notice served on the person under this section in relation to a prescribed offence shall not be taken for any purpose to be an admission by that person of any liability in connection with the alleged commission of the prescribed offence.

(7) Except as provided by sub-sections (4) (a) and (b) and (5) (a), this section does not affect the operation of any provision of this or any other Act in relation to the institution of proceedings in respect of offences that are prescribed offences for the purposes of this section.

(8) In this section, “authority” includes a person.’.

Amendment of regulation-making powers.

23. (1) Section 32 (1) of the Principal Act is amended as follows:

(a) In paragraph (a)—

(i) omit “(not in any case exceeding \$60)”; and

(ii) after “inspection of” insert “or for a copy of or extract from”;

(b) For paragraphs (d) and (da) substitute—

“(d) forms for the purposes of this Act;

(da) provisions for the verification by statutory declaration of statements in forms prescribed for the purposes of this Act;

(db) offences against this Act (not being offences the penalties applicable to which include a term of imprisonment that exceeds six months or a pecuniary penalty that exceeds 25 penalty units), or offences against the regulations, for the purposes of section 28A;

(dc) in relation to each offence that is prescribed pursuant to this sub-section—

(i) the particulars that are to be given in a notice served on a person under section 28A in relation to an offence; and

(ii) the amount of the penalty (being an amount that does not exceed half the amount of the penalty applicable to the offence) that is payable in respect of the offence pursuant to a notice served on the

person under section 28A in relation to the offence;”.

(2) After section 32 (1) of the Principal Act insert—

“(1A) The regulations—

- (a) may be of general or limited application; and 5
- (b) may differ according to differences in time, place or circumstance.

(1B) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6 (2) of the *Subordinate Legislation Act* 1962 which disallowance is deemed disallowance by Parliament for the purposes of that Act.” 10

Repeal of transitional provision.

24. Section 7A of the Principal Act is repealed.

PART 4—AMENDMENT OF *MAGISTRATES (SUMMARY PROCEEDINGS) ACT* 1975 15

Principal Act.

25. In this Part, the *Magistrates (Summary Proceedings) Act* 1975 is called the Principal Act.

No. 8731.
Reprinted to
No. 37/1986 and
amended by
Nos. 102/1986,
107/1986,
127/1986,
18/1987,
22/1987,
41/1987
45/1987 and
48/1987.

Penalty notices and prescribed offences. 20

26. (1) For sections 89s and 89t of the Principal Act substitute—

Definitions.

‘89s. In this Division—

“Applicable provision” means—

- (a) section 570A of the *Companies (Victoria) Code*; or 25
- (b) section 141A of the *Securities Industry (Victoria) Code*,
or
- (c) section 53A of the *Companies (Acquisition of Shares)
(Victoria) Code*; or
- (d) section 149 of the *Futures Industry (Victoria) Code*; or 30
- (e) section 50B of the *Associations Incorporation Act* 1981;
or
- (f) section 28A of the *Business Names Act* 1962.

“Continuing offence provision” means—

- (a) section 571 of the *Companies (Victoria) Code*; or
- (b) section 142 of the *Securities Industry (Victoria) Code*; or
- 5 (c) section 571 of the *Companies (Victoria) Code* as it applies to the *Companies (Acquisition of Shares) (Victoria) Code*; or
- (d) section 150 of the *Futures Industry (Victoria) Code*; or
- 10 (e) section 50A of the *Associations Incorporation Act 1981*; or
- (f) section 28 of the *Business Names Act 1962*.

“Penalty notice” means a penalty notice under an applicable provision.

“Prescribed offence” means an offence within the meaning of, or prescribed under, an applicable provision.’

Application of Division.

“89t. This Division applies to penalty notices and prescribed offences despite anything to the contrary in a Code referred to in section 89s.”.

(2) For section 89v of the Principal Act substitute—

Deemed conviction where failure to do act or thing.

“89v. If a penalty notice has been served on a person in relation to a prescribed offence constituted by a failure to do a particular act or thing and—

- 25 (a) the person pays the infringement penalty together with any prescribed costs after the expiration of the period specified in the penalty notice but before an enforcement order is made under this Part in relation to the prescribed offence but does not do the act or thing and at the date of payment that act or thing was still able to be done; or
- 30 (b) an enforcement order is made and the person has not done that act or thing and at the date of the enforcement order, that act or thing was still able to be done—

the obligation to do that act or thing continues and the relevant continuing offence provision applies in relation to the continued failure to do the act or thing as if, on the day on which—

- 35 (c) the person made the payment; or
- (d) the enforcement order was made—

the person had been convicted of an offence constituted by a failure to do the act or thing.”.

(3) In section 89ZE of the Principal Act, for “section 570A of the *Companies (Victoria) Code* or under section 141A of the *Securities Industry (Victoria) Code*” substitute “an applicable provision of a Code”.

Amendment of Schedule Two.

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27. In Schedule Two of the Principal Act, in paragraph (n) for “offences against section 49” substitute “an offence against section 49 (1)”.

LEGISLATIVE COUNCIL

ASSOCIATIONS INCORPORATION AND BUSINESS NAMES (AMENDMENT) BILL

(Amendments and New Clause to be proposed in Committee by the
Honourable B.A. CHAMBERLAIN)

1. Clause 11, page 8, after line 5, insert -

"(4) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6(2) of the Subordinate Legislation Act 1962 which disallowance is deemed disallowance by Parliament for the purposes of that Act."

2. Clause 22, page 13, after line 28, insert -

"(1B) Regulations made under this Act may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 6(2) of the Subordinate Legislation Act 1962 which disallowance is deemed disallowance by Parliament for the purposes of that Act."

NEW CLAUSE

3. Insert the following new clause to follow clause 3 -

Applications to bring land under operation of Transfer of Land Act.

"A. In section 9(3) of the Principal Act, for the expression commencing "may make an application" and ending at the end of the sub-section substitute -

"may -

(c) make an application in the prescribed form; or

(d) make an application under Division 3 of Part II, of
the Transfer of Land Act 1958 -

to bring the land under the operation of that Act by
registering a certificate of title to the land, and -

(e) Division 1 of Part II. of that Act applies to and in respect of the application in th prescribed form as if it were an application under section 9 of that Act; and

(f) Division 3 of Part II. of that Act applies to an application under that Division -
except in so far as this section provides for matters referred to in those Divisions.".

