

REAL PROPERTY (COMMONWEALTH TITLES) ACT, 1924-1953

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REAL PROPERTY (COMMONWEALTH TITLES) ACT, 1924-1953

being

Real Property (Commonwealth Titles) Act, 1924, No. 1610 of 1924 [Assented to 23rd October, 1924];

as amended by

Real Property (Commonwealth Titles) Act Amendment Act, 1953, No. 42 of 1953 [Assented to 17th December, 1953].

An Act relating to the registration of titles to land acquired by the Commonwealth of Australia.

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Real Property (Commonwealth Titles) Act, 1924-1953". Short title.
Citation
amended by 42,
1953, s. 1 (2).

2. This Act is incorporated with the Real Property Acts, 1886 and 1919. Incorporation
with other Acts.

3. In this Act, unless the context otherwise requires— Interpretation.

"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.

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

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 Real Property Act, 1886¹, 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 whom the land is so vested, may apply to the Registrar-General to bring the land under the provisions of the Real Property Act, 1886¹:
- 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 Registrar-General 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 next preceding paragraph there shall be furnished to the Registrar-General 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 as aforesaid, and such other evidence of the title of the Commonwealth or Commonwealth authority as the Registrar-General may require:
- iv. The Registrar-General may, 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, bring the land under the provisions of the Real Property Act, 1886¹, by issuing a certificate 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 Real Property Act, 1886¹, of any acquired land.

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

5. With respect to any acquired land which at the date of the acquisition thereof is or was subject to the provisions of the Real Property Act, 1886¹, the following provisions shall apply:—

- 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 Registrar-General 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 Registrar-General 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

¹ Now Real Property Act, 1886-1975.

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 next preceding paragraph there shall be furnished to the Registrar-General 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 as aforesaid, and such other evidence of the title of the Commonwealth or Commonwealth authority as the Registrar-General may require:
- IV. The Registrar-General, 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-General.

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 Registrar-General 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.

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

7. If the Registrar-General 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 5 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.

Duty of Registrar-General to enter acquisition in Register Book in certain circumstances.

8. (1) Where any land of which a Commonwealth authority is the registered proprietor is by or pursuant to any Act of the Commonwealth vested in another Commonwealth authority (hereinafter called the "transferee authority") the transferee authority may apply to the Registrar-General to register it as the transferee of the land.

Registration of transfers from one Commonwealth authority to another.
S. 8 enacted by 42, 1953, s. 3.

(2) The Commonwealth authority so applying shall furnish the Registrar with a certificate signed by a responsible officer of the authority stating the volume and folium or number of the certificate or other instrument of title to the said land and certifying that the land has become vested in the transferee authority, and specifying the Act under which it became so vested.

(3) The Registrar-General, if he is satisfied as to the title to the land of the transferee authority, 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 transferee authority, lodged for registration on the day on which the application was received by the Registrar-General.

(4) No fees shall be payable to the Registrar-General in respect of any application, registration or other act or matter done under this section for the purpose of procuring the registration of the Commonwealth Trading Bank of

Australia as the registered proprietor of land previously vested in the Commonwealth Bank of Australia.

(5) Without limiting the operation of any other provision of this Act, it is declared that the word "land" in this section includes any mortgage of, or other estate or interest in, land.
