

Property Law Bill 2023

Amendments during consideration in detail to be moved by
The Honourable the Attorney-General and Minister for Justice and Minister
for the Prevention of Domestic and Family Violence

1 Clause 65 (Particular covenants in registered easements bind successors)

Page 47, lines 12 to 13, ‘for the benefit of other land’—
omit.

2 Clause 65 (Particular covenants in registered easements bind successors)

Page 47, lines 18 to 25—
omit, insert—

- (3) A covenant imposes an obligation in relation to the use, ownership or maintenance of the burdened land if the covenant imposes an obligation—
 - (a) to maintain or repair the burdened land; or
 - (b) to construct, maintain, repair or replace improvements or infrastructure on the burdened land used in connection with the easement; or
 - (c) to pay for or contribute to the performance of an obligation mentioned in paragraph (a) or (b); or
 - (d) to pay for or contribute to rates or taxes relating to the burdened land; or
 - (e) to indemnify a party to the easement in connection with the use of the easement; or
 - (f) to insure, pay for or contribute to insurance in connection with the use of the easement.
- (3A) Subsection (3) does not limit the covenants that may impose an obligation in relation to the use, ownership or maintenance of the burdened land.

3 Clause 65 (Particular covenants in registered easements bind successors)

Page 47, after line 29—

insert—

- (6) To remove any doubt, it is declared that a registered easement under this section includes a registered easement in gross.

4 Clause 68 (Contract containing promise for benefit of third party)

Page 49, lines 18 and 19—

omit, insert—

- (a) the third party must serve each party to the contract with a copy of the proceeding; and

5 Clause 80 (Effect of inoperative computers in particular entities on day of settlement)

Page 59, after line 5—

insert—

- (6A) To remove any doubt, it is declared that if, on the next business day mentioned in subsection (4), the contract again can not be settled because of the circumstances mentioned in subsection (1), this section again applies in relation to the circumstances.

6 Clause 101 (How disclosure documents to be given)

Page 77, line 13, after ‘subsection (1)’—

insert—

before the start of the auction

7 Clause 103 (Giving of disclosure documents to buyer who is not registered as bidder until after start of auction)

Page 80, line 8, ‘auction.’—

omit, insert—

auction; and

8 Clause 103 (Giving of disclosure documents to buyer who is not registered as bidder until after start of auction)

Page 80, after line 8—

insert—

(c) the buyer of the lot was not given the disclosure documents under section 101(1) before the start of the auction.

9 Clause 106 (No other remedy if prescribed certificate contains inaccurate information given by statutory body or body corporate)

Page 83, line 25, ‘statutory body or’—

omit.

10 Clause 106 (No other remedy if prescribed certificate contains inaccurate information given by statutory body or body corporate)

Page 83, line 26, after ‘body corporate’—

insert—

or other entity

11 Clause 106 (No other remedy if prescribed certificate contains inaccurate information given by statutory body or body corporate)

Page 84, line 3, ‘statutory body’—

omit, insert—

other entity

12 Clause 106 (No other remedy if prescribed certificate contains inaccurate information given by statutory body or body corporate)

Page 84, line 5, ‘statutory body’—

omit, insert—

other entity

13 Clause 191 (Discharge of debt or legal thing in action when no actual notice of assignment)

Page 148, lines 1 to 8—

omit.

14 Before clause 240

Page 172, after line 18—

insert—

239A Express references to general law of agency

- (1) This section applies if—
 - (a) a repealed provision contained an express reference to the signing of a document by a lawfully authorised agent of a person; and
 - (b) a corresponding provision for the repealed provision omits the express reference mentioned in paragraph (a).

Note—

See sections 7, 8 and 9 and the repealed Act, sections 11, 12 and 59.

- (2) To remove any doubt, it is declared that the omission of the express reference mentioned in subsection (1)(a) does not limit or otherwise affect the application of the general law of agency in relation to the corresponding provision.

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