

BULLETIN NO 102
25th September 1998

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A. ENCUMBRANCES OVER LAND VESTED IN THE CROWN UNDER SECTION 20A OF THE TOWN PLANNING & DEVELOPMENT ACT (T P & D ACT) AND LAND BEING TRANSFERRED TO THE CROWN AND REVESTED.

Before the introduction of the Land Administration Act of 1997 (LAA), land vesting in the Crown under Section 20A of the T P & D Act and land being transferred to the Crown and revested, had to be clear of all encumbrances. However, under Section 82(1) of the LAA the Crown may now revest land with or without encumbrances.

Where encumbrances, such as easements, exist or are proposed to exist on revested land and are considered by the crown to be an acceptable interest in the revested land, they can now be carried forward. The consent for these encumbrances to remain may be obtained on an individual basis by referral to the Land Administration Services Branch in DOLA as part of the planning process.

Conveyancers will need to ensure that consent has been obtained before lodging an application for land which is the subject of a plan or diagram. If the application is lodged without prior consent a stopped requisition will issue. An example of vested land is a reserve for recreation along a water way created by a plan or diagram of subdivision.



B. COMPANY LAW REVIEW ACT 1998

The Company Law Review Act 1998 came into effect on the 1st July, 1998. Section 127 of the Corporations Law now provides that a company may execute a document without using a common seal if the document is signed by:

- two directors of the company ; or
- a director and a company secretary of the company ; or

- for a proprietary company that has a sole director who is also the sole company secretary, that director.

Where a company executes documents without a common seal, the assumption set out in Section 129(5) of the Corporations Law may be relied on by members of the public.

At the recent Registrars Conference in Darwin, a uniform practice for companies executing documents pursuant to the Corporations Law, as amended by the Company Law Review Act 1998, was adopted throughout Australia. This applies to companies registered after 1 July, 1998, or those which have amended the Articles of Association or Constitution, to enable them to execute documents without a common seal.



Following are examples of the signing clause for companies executing pursuant to Section. 127.

a) Signed for and on behalf of ABCD Pty Ltd A.C.N..... by Authority of its Directors in accordance with Section. 127 of the Corporations Law

Director - Signature
Name (in full)

Director - Signature
Name (in full)

b) Signed for and on behalf of ABCD Pty Ltd A.C.N..... by Authority of its Directors in accordance with Section. 127 of the Corporations Law

Director - Signature
Name (in full)

Secretary - Signature
Name (in full)

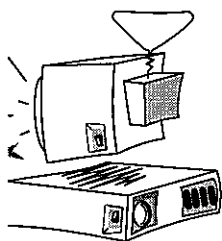
c) Signed for and on behalf of ABCD Co Pty Ltd A.C.N by Authority of its Director/ Secretary in accordance with Section. 127 of the Corporations Law

Sole Director & Secretary - Signature
Name (in full)

C. CHANGE TO LOCATION IDENTITY CODES FOR TITLES IN PROGRESS ENQUIRY SYSTEM (TIP)

As a result of DOLA's recent restructure, you may have noticed changes when enquiring on the progress of a Survey, Title or Document.

New Titles Services Branch is now known as Land Boundary Services.



Previously all locations shown on the TIP screen would have the prefix code of NT. Now the prefix code will be LB to reflect the new name.

E.g. NT155 will now be shown as LB155

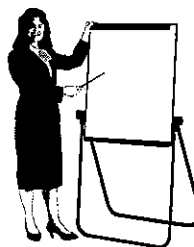
D. ADVICE FOR THE LAND ADMINISTRATION ACT 1997

Customers are now very much aware of the changes in regard to the administration of Crown Land. More information is being sought with the consequence that customers are establishing different contact points within DOLA, to access that information.

To ensure DOLA's resources are effectively used to service your requirements customers are reminded to direct all enquiries to the Customer Information Centre.

Customer Information Centre may be contacted by;

E-Mail:	cic@dola.wa.gov.au
Telephone:	(08) 9273 7044
Fax:	(08) 9273 7651



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