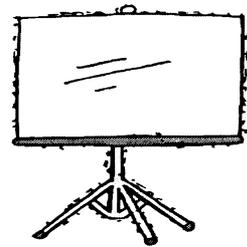


NOTICEBOARD



Land Title and Law of Property Reform

The long awaited Land Title Act and Law of Property Act will finally commence on 1 December 2000.

Law of Property Act

Commencement of the Law and Property Act will bring the Northern Territory into line with the rest of the country by comprehensively covering many of the most significant property law issues in a single statute rather than by a combination of the common law and archaic Imperial and South Australian legislation.

This Act will become the first point of reference in many areas, so practitioners should take the time to familiarise themselves with the range of subjects covered by the Act, including in particular:

- Future Interests
- Co-ownership and partition
- Deeds, covenants, instruments and contracts
- Mortgages
- Leases and tenancies
- Incorporeal hereditaments (eg easements and covenants)
- Assignment of things (or choses) in action
- Perpetuities
- Powers of appointment
- Voidable dispositions
- Apportionment
- Presumptions of death and survivorship.

Land Title Act

The Land Title Act, based largely on Queensland's Land Title 1994, replaces the current Real Property Act which is essentially the South Australian Real Property Act 1886, as amended over time. The entire replacement of the Territories Torrens legislation with a new Act is a landmark, and so again, all practitioners should take time to familiarise themselves with this new Act. Some points of interest worth noting are as follows:

- Co-owners are to be registered as tenants in common unless the

instrument of transfer specifies the interest in to be as joint tenants, reversing the presumption application under the Real Property Act.

- Easements in grace will be available generally, rather than just to prescribe persons under the Crown Lands Act.
- The much loved encumbrance is abolished and express provision for registration of covenants affecting land is introduced.
- Section 142 dealing with automatic lapsing of caveats deserves particular attention, including the amendments to the section 142 brought about by virtue of the Land Title (Consequential Amendments) Act.
- There will be a new set of dealings forms introduced by virtue of Registrar-General's directions. Electronic copies of these forms on CD can be obtained from the Land Titles Office.

Once again, all practitioners are urged to take time to become thoroughly familiar with these most significant new pieces of legislation.

High Court Rules — Amendments to Second Schedule

The Second Schedule to the High Court Rules specifies the amount which solicitors, who are entitled to practice in the High Court, may charge and be allowed on taxation of costs by the Taxing Officer of the Court in respect of proceedings in the Court.

The amounts in the Schedule were varied by Statutory Rule No. 197 of 1999 made on 1 September 1999 and which came into operation on 1 October 1999.

The Federal Costs Advisory Committee, in its report to the Justices dated June 2000, recommended an increase of 3% to the solicitors' costs as set out in the Second Schedule. In a further report to the Justices dated June 2000 the Federal Costs Advisory Committee reported on the impact of the Goods and Services Tax on Solicitors' Scales of Costs.

Acting on the advice of the Australian Competition and Consumer Commission

which outlined an increase in the range of 9.5% to 9.8% to take into account the impact of the Goods and Services Tax, the Federal Costs Advisory Committee recommended that any single adjustment to the scale not exceed 9.8%.

The Court has agreed to the recommendations of the Committee and after making an adjustment of 3% has then applied to that figure an adjustment of 9.5% to take into account the impact of the Goods and Services Tax.

The increase, which is to come into operation upon gazettal will apply to all work done and services performed by solicitors from the date of gazettal.

AIAL essay prize in administrative law

The Australian Institute of Administrative Law (AIAL) has resolved to conduct a competition with a prize of \$2,000 to be awarded to the author of an essay displaying original thinking on a topic of the author's choice relating to administrative law.

The competition is open to any interested persons. Entries should be 8,000 to 10,000 words in length. The closing date for entries is 9 March 2001.

The winning entry will be determined by the Executive of the AIAL acting on the recommendation of a judging panel appointed by the Executive.

The prize is expected to be awarded at the Annual Forum of the AIAL in 2001.

Further inquiries relating to the competition may be directed to:

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