

Notice

To Lodging Parties

5 August 2022 No. 254

Corporations Act Amendments

The *Corporations Amendment (Meetings and Documents) Act 2022 (Cth)* recently amended the [Corporations Act 2001 \(Cth\)](#) (Corporations Act).

The amendments relating to executions both by an agent of a company and in counterpart, have resulted in changes to Lands Titles Office (LTO) instrument requirements.

Please note that as most instruments lodged for registration are executed under client authorisation, it is primarily paper division type documents that may be affected.

Agent of a Company

Amendments to section 126 of the Corporations Act mean that individuals with the express or implied authority of a company can execute documents on behalf of that company.

Therefore, LTO instruments may now be executed by an agent acting for a company despite the absence of an empowering deed or power of attorney. This in turn means there may be no duplicate or attested copy of power of attorney to be, or required to be, deposited in the LTO pursuant to section 156 of the [Real Property Act 1886 \(RPA\)](#).

Provided a company execution states that it is by an agent, then pursuant to section 129(3) of the Corporations Act, it will be assumed that the individual held out by a company as its agent has been duly appointed and has the appropriate authority to execute the instrument concerned.

Registered conveyancers and legal practitioners are reminded that under Verification of Identity Requirements reasonable steps must still be taken to verify the identity of parties and to ensure that the instrument being certified is correct and compliant with relevant legislation and any prescribed requirement.



Instruments Executed in Counterpart

Amendments relating to section 110A(4) of the Corporations Act allow for a company to execute documents by its company officers (directors or director/secretary) executing in counterparts.

Nonetheless, pursuant to section 54(1) of the RPA, I have the discretion to stipulate the form in which instruments must be lodged for the purposes of registration.

I advise that an instrument executed in counterparts will be accepted where the entirety of the instrument (one executed counterpart) and the execution page only (of the other counterpart) is provided as a single instrument for registration. Company officers executing on separate annexure forms attached to one instrument will also be accepted.

The lodgement of an instrument comprising full copies of each executed counterpart will not be accepted.

For further information, please contact Land Services SA Customer Support on 08 8423 5000 or email customersupport@landservices.com.au.



Jenny Cottnam
REGISTRAR-GENERAL

