



LAND REGISTRY SERVICES

Legal and Dispute Resolution

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**Electronic Contracts Review
Office of The Registrar-General
McKell Building
2-24 Rawson Place
SYDNEY NSW 2000**

ORG-admin@finance.nsw.gov.au

Your Ref:
Our Ref: LM20180036:GB:Leg2

Dear Review,

Re: Discussion Paper – Removing barriers to electronic land contracts

New South Wales Land Registry Services makes the following submissions on the Discussion Paper for your consideration:

Q1 – NSW Land Registry Services ('**NSW LRS**') supports a digital lodgment environment. However, we request that any proposed changes to support this process, for instance by way of amendments to the relevant legislation, the Conveyancing Rules, or the Registrar-General's Guidelines, be canvassed with us, so that we are able to implement the changes as seamlessly as possible for the general public.

Q2 – If this question pertains to documents lodged using PEXA's platform, then yes, as with other documents already lodged via PEXA, the Verification of Identity ('**VOI**') regime would replace the need for witnessing of land registry documents. If this question pertains to documents lodged in paper, then, no, the VOI regime would not replace the need for witnessing of land registry documents. This is because VOI is about identifying a client; it does not deal with whether a client has put their signature on a piece of paper, which is the purpose of witnessing signatures placed on land registry documents.

Q3 – If by fully electronic, the Office of the Registrar General ('**ORG**') means, only electronic, then the relevant legislation would need to be amended to no longer be medium neutral i.e. to only allow for electronic lodgment.

Q4-17 – No comments.

Q18 – The current state of the law is clear in that only paper deeds may be formed. If the law were amplified to enable deeds to be formed electronically, NSW LRS does not believe that limiting deeds to those specifically relating to land transactions would be feasible. If it were otherwise, and a deed was lodged with NSW LRS to be registered in the General Register of Deeds, it would require NSW LRS to make an assessment as to whether the deed is categorised as forming part of a land transaction. In making this assessment, disputes could arise as to whether such a deed is categorised in that manner so as to be registrable. It would therefore not be desirable for NSW LRS to be required to make that assessment.

Q19-21 – The requirements for paper formation of deeds need to be reflected in the electronic environment (By whatever means the ORG deems appropriate). Otherwise, what is being created is arguably not a deed.

Should you wish to discuss our submissions, please contact Gavin Bartier or Daniel Kirkby-Jones on 02 9228 6726 or by email: gavin.bartier@nswlrs.com.au or daniel.kirkby-jones@nswlrs.com.au

Yours faithfully,



Gavin Bartier
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