CONVEYANCING RULES WAIVER

New South Wales
Section 12E Real Property Act 1900 (NSW)

Title
This instrument is Conveyancing Rules Waiver CR 7/2019 – Amendment to CR 3/2019 Land Tax.

Enabling Provisions
1. Under section 12E of the Real Property Act 1900 (RPA), the Registrar General (“Registrar”) has determined and published Version 5 of the Conveyancing Rules which came into effect on and from 1 July 2019.
2. Section 12E(10) of the RPA permits the Registrar to waive compliance with all or any provisions of the Conveyancing Rules if the Registrar is satisfied that granting the waiver is reasonable in all the circumstances.

Affected Requirement
Conveyancing Rule (Version 5) 8.7 (CR 8.7)

Explanatory Statement
Waiver CR 3/2019 – Land Tax provides a waiver from the obligation to comply with CR 8.7 for transfers where land tax is to be paid from settlement proceeds, which would otherwise be required to be lodged using an Electronic Lodgment Network (ELN) under CR 8.7.

Since issuing waiver CR 3/2019, the functionality to allow parties to both pay land tax and obtain a clearance certificate (or otherwise satisfy this obligation) has become available in the ELN known as PEXA. However, the Registrar General is of the view that an extension of the waiver is required to allow additional communications to be issued to users of the system to clarify the effect of the functionality. On publication of this waiver, waiver CR 3/2019 will be updated to extend the operation of the waiver to 31 March 2020.

Waiver
The Registrar extends the existing waiver of the obligation to comply with CR 8.7 for transfers where land tax is required to be paid from settlement proceeds.

Commencement and Period during which this waiver applies
This waiver commences on 1 December 2019 and operates until the earlier of 31 March 2020 or the publication of a revocation of this waiver by the Registrar.

Dated: 29 November 2019

Signed by:

Jeremy Cox
Registrar General