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## NSW eConveyancing news

July 2019

### Topics covered in this edition:

- *In June 2019, 85 per cent of possible dealings were lodged electronically*
- *Update on current independent eConveyancing reviews*
- *Sympli receives regulatory approval to operate in NSW*
- *ORG eConveyancing resources*
- *Useful contacts*
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- *NSW Land Registry Services customer survey*

### Dear colleagues

We are now a week into the critical 1 July 2019 milestone with all mainstream dealings in NSW now mandated to be lodged electronically.

Firstly, thank you again for organising yourself and your business around this change. So far, we have heard from you that this last week has been business as usual, with smooth transition past 1 July. The high-update of around 85 per cent electronic lodgments in June 2019 meant industry was well prepared for this reform milestone.

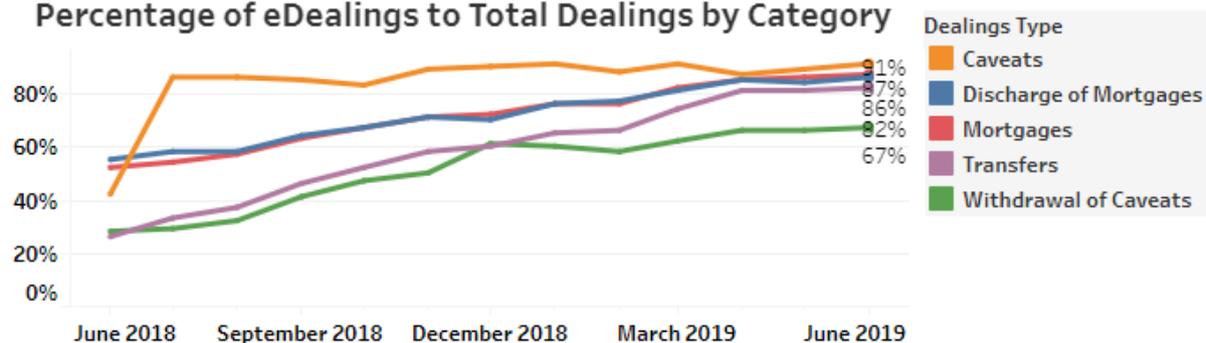
Nevertheless, please [contact ORG](#) if you are having any issues lodging electronically. Some practitioners have advised that a small number of transactions could not proceed relating to the payment of duty in the workspace. If this has affected you, please attach an email or letter from Revenue NSW or PEXA confirming that the transaction cannot be processed electronically to your paper dealings. No Conveyancing Exception form is required.

## 85 per cent of possible dealings are lodged electronically

In June 2019, 85 per cent of all possible dealings in NSW were lodged electronically. This included 82 per cent of transfers. Specifically:

- 87 per cent of mortgages;
- 91 per cent of caveats;
- 86 per cent of discharges of mortgage; and
- 67 per cent of withdrawals of caveat.

### Percentage of eDealings to Total Dealings by Category



Please find more statistics, including a breakdown of subscriber uptake by area code, on our [statistics page](#).

## Update on current independent eConveyancing reviews

*IPART review on pricing regulation for electronic conveyancing services*

[IPART](#)'s draft report will be available for consultation in August; and they will hold a public hearing in September. In the meantime, for the financial year 2019-20, increase in ELNO costs are capped at CPI.

*Interoperability industry working groups*

Later this month, [Dr Rob Nicholls](#), the independent chair of industry working groups, will release his report on the review of technical and regulatory issues for interoperability between ELNOs and propose a way forward. We look forward to continuing to work with industry and other jurisdictions to reach a timely and effective solution. Please [let us know](#) if you have any queries about interoperability.

*Review of the Intergovernmental Agreement (IGA) on eConveyancing*

The IGA review has a broader remit and looks at the overall eConveyancing regime. The IGA Review team ([Dench McClean Carlson](#), DMC) is writing the final report, with follow-up targeted consultations in the coming weeks to understand any remaining issues with industry and to clarify potential roles with other regulators. The DMC team received responses from 19 stakeholders. If you have any questions, please contact Anne Larkins on 0419 373 096 ([alarkins@dmcca.com.au](mailto:alarkins@dmcca.com.au)) or Cameron Geddes on 0417 653 118 ([cgeddes@dmcca.com.au](mailto:cgeddes@dmcca.com.au)).

## Sympli receives regulatory approval to operate in NSW

On 1 July 2019, NSW Government granted approval for Sympli to operate in NSW. A copy the approval and the conditions of approval, are available on the [ORG website](#). This approval is an important milestone for Sympli becoming operational in NSW. Sympli is scheduled to release their first set of documents later this month, with other releases through the rest of the year.

In NSW, all ELNOs must comply with a set of 'general conditions' (these are at Schedule 1 of the ELNO approval). We supplement these with 'special conditions', which tailor the general conditions to the specific circumstances of the ELNO (these are at Schedule 2 of the ELNO approval). We publish these [conditions](#) so that industry is aware of ELNOs' obligations for operating in NSW.

## ORG eConveyancing resources

Please find resources and further information to support your transition to eConveyancing:

- [Subscriber compliance](#)
- [Training workshops](#)
- [FAQs](#)
- [How to complete a Client Authorisation Form video](#)
- [Legal framework](#)

## If you need help, please contact

- NSW Land Registry Services - [eConveyancingNSW@nswlrs.com.au](mailto:eConveyancingNSW@nswlrs.com.au)
- Office of the Registrar General - [ORG-eConveyancing@finance.nsw.gov.au](mailto:ORG-eConveyancing@finance.nsw.gov.au)
- PEXA - [TeamNSW@pexa.com.au](mailto:TeamNSW@pexa.com.au)
- Sympli - [hello@sympli.com.au](mailto:hello@sympli.com.au)

## Land title system news

### *Off-the-plan discussion paper*

ORG has published a discussion paper seeking feedback on new regulations to support off-the-plan reforms. A [consultation draft](#) of the *Conveyancing (Sale of Land) Amendment Regulation 2019* has also been released. The proposed Regulation deals with:

- a new form of disclosure statement and additional disclosure documents to be attached to off-the-plan contracts;
- remedies where the vendor has not met new disclosure obligations;
- the alternative remedy of compensation where changes have rendered the disclosure statement inaccurate as to a material particular;
- guidance as to what constitutes a 'material particular';
- a new form of prescribed warning statement to reflect the extension of cooling off periods for off-the-plan contracts to 10 business days (from 5 business days, for other residential transactions).

[Submissions](#) close on 24 July 2019. We look forward to receiving your feedback on this important reform.

#### *Regulatory Impact Statement - Draft Real Property Regulation 2019*

ORG has released a [Regulatory Impact Statement \(RIS\) and draft Real Property Regulation 2019](#). The RIS sets out in full the details of the proposed amendments as well as a cost and benefit assessment of the proposed amendments. The proposed Regulation has been released with the RIS so that interested parties can review it and provide comments and suggestions.

[Submissions](#) close on 12 July 2019. The Regulation will be finalised and published on the NSW Legislation website to enable it to commence on 1 September 2019.

#### *New Historical Land Records Viewer*

It's now much easier to access important historical documents about NSW. Last week, NSW LRS launched the improved [Historical Land Records Viewer](#) (HLRV). The new system is easier to use; one great feature is being able to zoom into records to see all the detail – even with intricacies of handwritten notes, in pencil, crayon etc. We know it's important for historians and other customers to be able to print records – and the new system has functionality that permits printing of those records that are available for free.

More than 6 million digital records from 62 collections are now available on the [HLRV](#). Over the past months, a number of important records have been digitised – these include:

- General Register of Deeds,
- Change of Name Indexes,
- Conditional Purchase Indexes,
- Deposited Deed Indexes,
- Deposited Deed Receipt Books,
- Detail Survey Sheet Indexes,
- Primary Application Miscellaneous Search Books,
- Primary Application Search Books,
- Primary Application Search Sketches, and
- Early Deposited Plans.

Looking ahead, we will continue to work with LRS to digitise record sets and these will be loaded on to [HLRV](#) over time. Thank you to the Royal Australian Historical Society for their assistance in developing this important tool.

#### **NSW Land Registry Services customer survey**

NSW LRS is conducting an [annual customer feedback survey](#). Your feedback will be used to identify how NSW LRS can improve customer service in the future. The [survey](#) may take around 5-10 minutes to complete, and will close at midnight on 12 July 2019. All responses are anonymous.

Finally, thanks again for your support and commitment to moving from paper to electronic dealings in NSW. While we have been using these monthly updates to raise awareness about the eConveyancing reform and inform you of important developments, going forward, we will include broader NSW land title system news relevant to you and the industry. If there is anything in particular you want these monthly updates to include, please [let us know](#).

Kind regards

A handwritten signature in blue ink, appearing to read 'Jeremy Cox', with a large, stylized initial 'J'.

*Jeremy Cox*  
NSW Registrar General