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NSW eConveyancing news

April 2019

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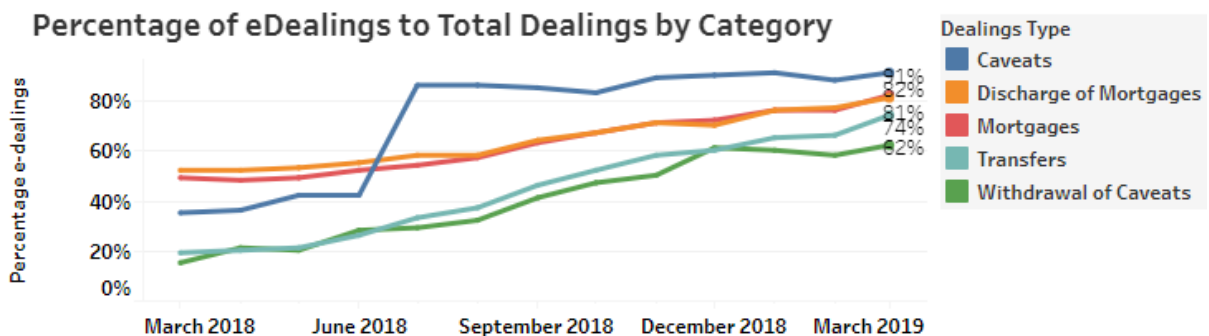
Dear colleagues

We have reached the final season before paper dealings in NSW, for the most part, come to an end. We have just fewer than 90 days until the 1 July 2019 mandate for eConveyancing. If you haven't already, please make arrangements for your business to lodge online. This is a big, growing and exciting reform for all of us. Please do not hesitate to contact [ORG](#) if you need support.

80 per cent of possible dealings are lodged electronically

In March 2019, 80 per cent of all possible dealings in NSW were lodged electronically. This included 74 per cent of transfers. Specifically:

- 82 per cent of mortgages;
- 91 per cent of caveats;
- 81 per cent of discharges of mortgage; and
- 62 per cent of withdrawals of caveat.



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

Draft Conveyancing Rules Version 5

On 1 July 2019, Version 5 of the [Conveyancing Rules](#) will replace Version 4. These rules fulfill the Government's mandated timeframe to transition to eConveyancing in NSW by 1 July 2019. Version 5 of the Conveyancing Rules brings a number of changes that make it mandatory for mainstream dealings to be lodged electronically from 1 July 2019.

- [Draft Conveyancing Rules Version 5](#)
- [Draft Conveyancing Rules Version 5 - mark-up](#)
- [Summary](#)
- [Circular](#)

ORG is seeking feedback on the draft Rules, which you can make [here](#). Submissions close at 5 pm on Friday 3 May 2019.

Dr Rob Nicholls chairing interoperability working groups

We are learning much more about possible models of interoperability. This is an important part of the NSW Government's commitment to having the right set of consumer and competition safeguards and controls in a eConveyancing environment.

Last week, [Dr Nicholls](#), an expert in the technical and commercial arrangements for interoperability between networks and platforms, as well as regulatory and competition frameworks for networked industries and the financial services sector, chaired the first two sessions of industry working groups to develop a deeper understanding of a secure and viable interoperability model.

This research is designed to provide the necessary level of detail required to facilitate a secure working system of interoperability between Electronic Lodgement Network Operators (ELNOs). Please don't hesitate to contact [ORG](#) if you want more information.

Meanwhile, Sympli is scheduled to commence operations as an ELNO in NSW in May 2019, offering transfer services in June 2019.

Mortgage certification case

In [Perebo Pty Ltd v Wayville Residential Investments Pty Ltd & Ors \[2019\] SASC 35](#), the South Australian Supreme Court commented on a certification made by the solicitor for a mortgagee on lodgment of a mortgage. The mortgage was enforceable despite the solicitor inaccurately certifying that the mortgagee held a copy of the mortgage granted by the mortgagor.

Click [here](#) to read more about the case and find out some very important lessons for NSW practitioners.

Common errors on the Client Authorisation form

Through our subscriber compliance examination process we have found that the most common cause of non-compliance with the Participation Rules is failure to properly complete a Client Authorisation. This is similar to what other states are finding as well.

A properly completed Client Authorisation form is one that is filled in, dated, and signed by the Client and the Representative or the Client and the Representative Agent.

For more information on [common errors](#), how to avoid them, and how to complete a client authorisation properly, please see our [How to complete a Client Authorisation Form video](#) and visit the [ORG website](#) for other resources.

New positions at the Office of the Registrar General

We have new digital and legal roles to help us with our work ensuring the integrity of the NSW land title system.

- [Director ICT Governance Security & Risk](#)
- [Managing Lawyer, Commercial](#)
- [Lawyer](#)
- [Two Paralegals](#)

We would love to hear from you. You will work in a friendly and fast-paced environment, with opportunities to work across multiple policy and regulatory areas in the ORG.

We want team players, willing to develop skills in new areas, comfortable with ambiguity, who enjoy working with others to find solutions - with our focus on delivering great outcomes for the users of the land title system. Please contact [ORG](#) if you want to know more about these roles.

Seeking your feedback on important areas of the reform

Intergovernmental Agreement (IGA) review

While the closing date for submissions to the independent reviewer of the eConveyancing Intergovernmental Agreement (IGA) has now passed, Anne Larkins will still consider feedback on the [Issues Paper](#). If you need more information, or time to provide a submission, please feel free to contact Anne Larkins on 03 8617 8160 (alarkins@dmcca.com.au) or Cameron Geddes on 0417 653 118 (cgeddes@dmcca.com.au).

Over the coming three weeks, the IGA Review Team will be reviewing the information coming from stakeholders. You are welcome to provide any additional comment to DMC by email during this time.

IPART issues paper on pricing regulation for electronic conveyancing services

IPART is seeking feedback on its [Issues Paper](#) up until 30 April 2019. When IPART issues its final report, NSW government will use this in our regulation of the pricing of eConveyancing services. Please consider providing IPART a submission or feedback now.

You will also have an opportunity to provide input to IPART's review through its subsequent Draft Report (due by July), and/or by attending a Public Hearing (planned for July 2019).

Online access to early colonial land ownership information

The ORG and Spatial Services, in partnership with the State Archives and Records Authority (SARA) and NSW Land Registry Services (LRS), recently completed the digital processing of more than 38,000 deeds registers and millions of images. Land ownership records and deed titles from the early days of NSW's colony are now easier for the public to find online. You can find these records on LRS' [Historical Land Records Viewer](#) and through the approved network of [Information Brokers](#). Read more about the project on the [ORG website](#).

Resources to support your transition to digital

Please find some resources to help you with a smooth transition to eConveyancing:

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

If you have other topics that you'd like us to cover or eConveyancing issues that you're wanting further help with, please contact the [ORG](#).

Kind regards



Jeremy Cox
NSW Registrar General