

## NSW eConveyancing news

**June 2019**

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**Dear colleagues**

It's now a matter of weeks until the 1 July 2019 mandate.

Since the roll out of eConveyancing began with the first electronic transaction in 2013, eConveyancing has proven to be a more efficient and accessible system than paper conveyancing. For many conveyancers and lawyers, eConveyancing has brought greater accuracy, fewer errors, more flexibility for work life balance and reduced the stress when trying to settle transactions.

We are also working to create the right conditions for a competitive Electronic Lodgment Network Operator market so that lawyers, conveyancers, and financial institutions, and their customers can get the benefits of competition: where ELNOs compete on things like services, innovation and prices.

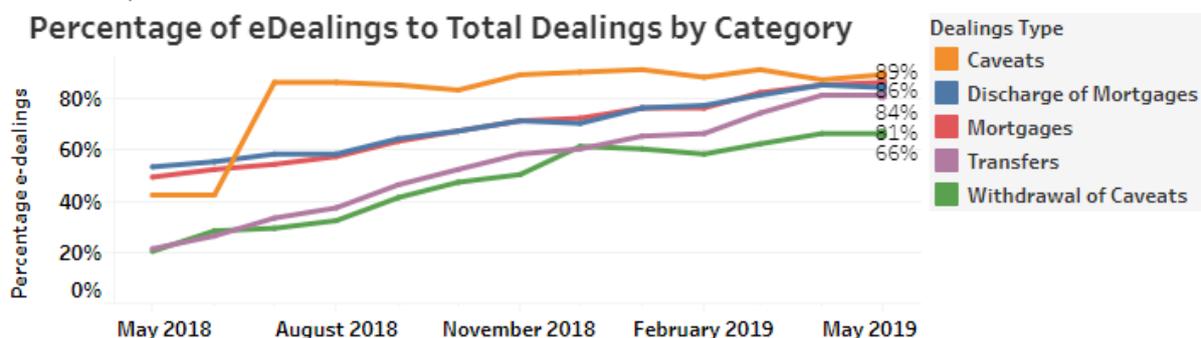
To help prepare for the 1 July 2019 mandate and answer last-minute questions, ORG is hosting an industry forum on 11 June 2019, from 10 am to 12 noon. A panel of eConveyancing experts will be able to answer your questions. Please join us by registering [here](#). Morning tea will be provided.

In the meantime, please do not hesitate to contact [ORG](#) if you need support.

### 84 per cent of possible dealings are lodged electronically

In May 2019, 84 per cent of all possible dealings in NSW were lodged electronically. This included 81 per cent of transfers. Specifically:

- 86 per cent of mortgages;
- 89 per cent of caveats;
- 84 per cent of discharges of mortgage; and
- 66 per cent of withdrawals of caveat.



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

### Conveyancing Rules Version 5 is live

We have now published Conveyancing Rules (Rules) Version 5 on [our website](#). Version 5 will replace Version 4 on 1 July 2019. Version 5 brings a number of changes that make it mandatory for certain transactions to be lodged electronically. The main changes are:

- **Mandatory electronic lodgment of mainstream dealings:** New Rule 8.7 makes it mandatory for you to lodge all mainstream dealings electronically from 1 July 2019. Mainstream dealings are defined to mean a transfer, mortgage, discharge of mortgage, caveat, withdrawal of caveat or transmission application). This rule applies whether a mainstream dealing is lodged as a standalone, or in combination with other mainstream dealings.
- **Mandatory electronic lodgment of other dealings from 1 July 2020:** New Rule 8.8 makes it mandatory for you to lodge all dealings electronically from 1 July 2020, whether standalone or in combination. The rules specify that each dealing must be lodged electronically after declared so by the Registrar General, and after a notice period of at least 90 days.

#### Conveyancing Rules Waivers

On Friday 7 June 2019 we will publish waivers to the requirements to comply with the Conveyancing Rules. If you are eligible for a waiver, you will need to complete a Conveyancing

Rules exception form at the point of lodgement. NSW Land Registry Services (NSW LRS) will update its exceptions form once the new waivers are published, and we will provide you with the link to that form.

As a result of your feedback during consultation on these rules, unrepresented parties will be able to continue to lodge any mandated dealing in paper for 12 months. However, unrepresented parties for transfers has been modified to only allow unrepresented persons on both sides of the transaction, and no mortgagee. For those affected parties, please be careful with the risks around transactions that involve settlement of purchase monies. And don't forget all participants in eConveyancing are required to have minimum levels of insurance and professional competency.

If you would like more information on the Rules, please [contact ORG](#).

### **Update on interoperability industry working groups**

Competition in the ELNO market is rolling out across Australia. A second ELNO, Sympli, has already commenced in Queensland and Victoria. Sympli is scheduled to start operating in NSW in July and is planning to be operating in other states by year's end.

To make sure competition generates benefits for the end user of the system, NSW believes ELNOs' end-systems need to work together – 'interoperate'. In previous updates, we've mentioned industry working groups, led by an independent chair, [Dr Rob Nicholls](#), to review interoperability among ELNOs. As you will recall, the concept is that ELNOs work together, meaning that lawyers and conveyancers can always use the ELNO they prefer to use - rather than being forced to sign up to more than one ELNO, to complete a transaction. These industry working groups are considering how interoperability might be accomplished from a technical and regulatory perspective. Information is being shared with other states and the current review of the eConveyancing Intergovernmental Agreement.

The first round of the industry working groups are now complete, and Dr Nicholls is preparing a report that will look at the technical and regulatory issues for interoperability. Once stakeholders have had a chance to review the report, including discussions in the final round of industry working group meetings, we expect it will be published at the end of July.

### **PEXA webinar and regional education sessions**

PEXA is assisting practitioners in their preparations for 1 July 2019, with a suite of practical how-to [webinars](#), a series of [face to face training sessions](#) in Sydney CBD and Parramatta, as well as [regional training sessions](#). PEXA will continue to prioritise NSW practitioners who need to urgently subscribe before 1 July so please get in touch at [TeamNSW@pexa.com.au](mailto:TeamNSW@pexa.com.au) to start the process.

### **Sympli early onboarding program**

Sympli has now commenced its services in NSW with the announcement of their Early Onboarding Program. Through this program, Sympli is offering select lawyers and conveyancers the opportunity to onboard with the platform. You can find out more about the program and register your details to join [here](#).

## **ORG eConveyancing resources**

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](#)
- [Legal framework](#)

## **Update on timing for electronic notice of death, and dealings with attachments**

Release 10.1, which includes notice of death, transfer of second schedule interests, and allows for attachments to transfers and caveats has been rescheduled to later this year. This delay will allow NSW LRS to upgrade its IT platform to support multiple Electronic Lodgment Network Operators (ELNOs) to connect to the NSW registry. Old Land and Property Information (LPI) IT currently allows only one ELNO to connect to the registry. However, as more ELNOs emerge, NSW LRS is investing in a modern, more secure and flexible ELNO platform to support multiple ELNOs. All equivalent 10.1 dealings will be updated on this new multi-ELNO platform by the end of this year.

## **e-Leases**

As a result of industry feedback, the declaration statement on an e-Lease has been amended to read:

*The lessor declares, to the best knowledge of the subscriber, that registration of the lease is not precluded by any option of renewal/purchase in a registered lease*

The new statement removes any doubt as to the validity of the declaration in the scenario where an option to renew *has* been exercised. This statement appeared on e-Leases from 13 May 2019. I wish to thank the Property Law Committee of the Law Society of NSW for their help on this.

## **Responses to eCT Discussion Paper**

We have published all responses to the eCT discussion paper on the [ORG website](#). We plan to release a further position paper in the coming months.

## Update on current independent eConveyancing reviews

### *Review of Intergovernmental Agreement (IGA) for eConveyancing*

The IGA Review team (Dench McLean Carlson, DMC) is now considering all submissions from stakeholders. The DMC team received responses from 19 stakeholders – 18 written submissions and one by way of a face-to-face meeting. DMC has asked us to thank the stakeholders for their detailed and considered responses. DMC is now drafting the final report. 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)).

Please find a copy of the [NSW Government's response to the IGA Review Issues Paper](#).

### *IPART review on pricing regulation for electronic conveyancing services*

NSW's independent pricing regulatory tribunal (IPART) is reviewing pricing in the eConveyancing market. Responses to [IPART's issues paper](#) are available [here](#). In August, IPART will issue their draft report, and hold a public hearing. Please let [us](#) or [IPART](#) know if you would like to be involved in this process.

## NSW Land Registry Services new website

NSW Land Registry Services (NSW LRS) has a [new website](#). The website has been designed in consultation with stakeholders, to make it easier for users of the land title system in NSW to find current land title, plan registration, and historical research information. It includes a new site-wide search function, which allows users to find information from the [NSWLRS website](#) and the [Registrar General's Guidelines](#) using a single search feature - so lodgment requirements, forms, fact sheets, and other information can be accessed more easily. If you have any feedback regarding the website, you can pass them to NSW LRS via its [Contact Us form](#).

## Contact us

We hope this update assists you in your final preparations for the 1 July 2019 mandate. Please [let us know](#) if you have any questions or eConveyancing issues that you're wanting further help with.

Kind regards



Jeremy Cox  
NSW Registrar General