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eConveyancing news

February 2019

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Dear colleagues

We are moving quickly toward 100 per cent digital in NSW.

For most of the time since the first land grant was given to James Ruse 217 years ago property transactions have been heavily reliant on paper. Of course, this has changed dramatically in the last 18 months in NSW.

We are now close to 75 per cent of all possible dealings being electronic here. A big change from around 7 per cent in February 2017. Now pretty much all conveyancers are subscribing

electronically—that’s about 1,200. Of our around 5,500 property lawyers in NSW, probably 90 per cent are also subscribing electronically.

Our focus in the coming months continues to be supporting your transition to 100 per cent digital. This means making sure the regulatory regime is fit-for-purpose, supports a competitive environment and protects the end user.

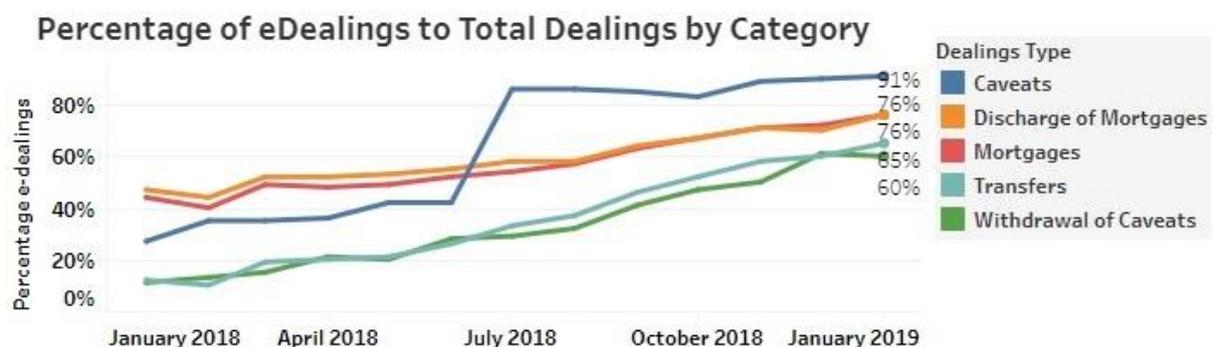
At any point you have a question or need support, please [contact ORG](#).

eConveyancing moves toward 75 per cent

NSW continues to experience a steady uptake. In January 2019, 73 per cent of all possible dealings in NSW were lodged electronically. This included 65 per cent of transfers. Specifically:

- 76% of mortgages;
- 91% of caveats;
- 76% of discharges of mortgage; and
- 60% of withdrawals of caveat.

At this rate we may be close to 100 per cent of all possible documents in the coming few months. This is a huge testament to all involved in this reform — it has been an all hands-on exercise.



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

Countdown to the launch of a new Operator (ELNO)

Sympli’s national roll-out plan is underway having commenced their operations in late 2018 with a soft launch in Victoria and Queensland for standalone documents.

NSW Land Registry Services is currently updating their systems to support electronic lodgement of documents by Sympli from May 2019. Sympli will expand their services, including refinances and multi-party settlements, in NSW and nationally throughout 2019.

Minister’s forum on interoperability

On 14 February 2019, Minister Dominello hosted a second government and industry eConveyancing forum on interoperability (i/op). This is a critical part of the NSW Government's commitment to supporting competition in the ELNO market.

As noted above, in NSW, we expect a second ELNO to be operational with multi party transactions this year. In the meantime, we have a single ELNO operating a network of substantial importance to our community and our economy with a powerful network effect.

Our role is to facilitate the emergence of competition. Interoperability allows practitioners in a multi-party transaction who subscribe to a new ELNO to continue to act in that transaction whether the other participants use the same ELNO or a different ELNO.

There are some important principles with the development of any i/op solution. For example, it must maintain the integrity of the land titles register, promote competition and choice, and be able to be adopted nationally. And we need to achieve this without significantly increasing the cost of conveyancing in NSW.

Following this second forum, we will work with stakeholders to further investigate 'base-line' interoperability requirements that support a nationally consistent solution. This includes considering matters such as security, regulatory oversight and data standards and business rules.

The Intergovernmental Agreement (IGA) review (see below) is considering interoperability. All information generated from our investigations will be provided to the IGA review.

Getting i/op right will support real competition. Real competition is good for the end-user of the system. Please [contact ORG](#) if you have any questions on this work.

New Model Operating Requirements and Model Participation Rules (version 5)

The following updated regulations came into effect on 25 February 2019:

- [Model Operating Requirements](#) (MORs) and
- [Model Participation Rules](#) (MPRs)
- [NSW versions](#) of the MOR and MOR on the ORG website

ARNECC has also released [MOR Guidance Notes](#) and [MPR Guidance Notes](#). The Guidance Notes provide more practical information on the various requirements and processes in the MOR and MPR.

Electronic certificates of title discussion paper ('The next evolution')

We want to hear your thoughts on the future of certificates of title. Please provide your [feedback](#) to the ORG [discussion paper](#). Submissions close on 28 February 2019.

Intergovernmental Agreement (IGA) review update

Last year ARNECC appointed Dench McClean Carlson (DMC) to undertake an independent review of the IGA. The IGA sets out the regulatory oversight framework for jurisdictions participating in the eConveyancing reform, including NSW. This review provides an opportunity for an independent body to see where updates to the IGA will further strengthen the reform.

DMC have now completed a first round of consultation involving interviewing about 125 stakeholders and receiving about 339 survey responses. Thanks to many of you who provided feedback. DMC has released an Issues Paper with preliminary options to address key issues. The IGA Review Paper is available on the [DMC](#) or [ARNECC](#) websites.

DMC would welcome your feedback on the Paper. Please feel free to contact Anne Larkins on 03 8617 8160 (email: alarkins@dmcca.com.au) or Cameron Geddes on 0417 653 118 (email: cgeddes@dmcca.com.au).

IPART review of ELNO pricing

Last year, the Premier asked IPART to report on an appropriate pricing regulation framework for the provision of eConveyancing services in NSW. The review is to ensure the regulatory settings and fees charged for eConveyancing services are fair and transparent for all parties.

This work is now full steam ahead. IPART is planning to publish an Issues Paper by the end of February. You will have an opportunity to provide input to this review. You can find more information about the review at [IPART](#). Please [contact IPART](#) if you have any questions.

Subscriber resources

Don't forget our new subscriber checklist available [here](#). We recommend having a softcopy with you when opening a new matter or even stapled to your new file folder. We hope this makes the compliance process simpler.

Other resources to help you with a smooth transition to eConveyancing:

- ['How-to complete a Client Authorisation Form' video](#)
- [Training workshops](#)
- [FAQs](#)
- [Timeline for transition](#)
- [Subscriber compliance](#)
- [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](#).

We all know eConveyancing is a huge digital transformation. It is substantially changing our land title system in NSW and the way most of you do your business. We are really looking forward to working with you in 2019 as we finalise our transition to electronic conveyancing in NSW.

Kind regards

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

Jeremy Cox
NSW Registrar General