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## NSW eConveyancing news

**May 2019**

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**Dear colleagues**

We are now just weeks away from the 1 July 2019 mandate.

Conveyancers, lawyers, bankers, platform providers have all contributed significantly to leading this industry from 150+ years of paper to digital. And this will continue, as the land title system and associated industries and market evolves and shapes itself around new compelling forces of competition and innovation.

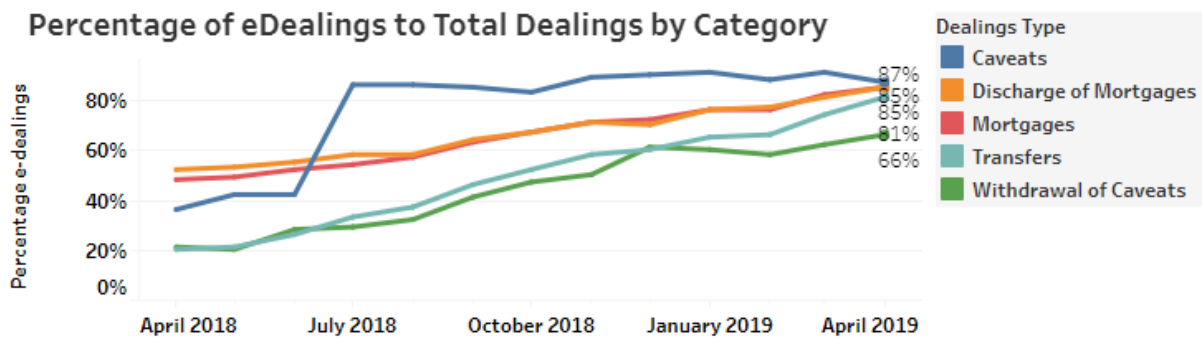
For customers, the benefits continue to show themselves in the form of fewer errors, greater accessibility, and more certainty, to name a few. This means more time for expert conveyancing or contract advice for example, which is also better for the customer.

As we head toward this 1 July 2019 milestone, please do not hesitate to contact [ORG](#) if you need support. Some of us will be out on the road talking to practitioners across regional NSW and in Sydney. And we will continue to update our website with resources and information to support your transition.

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

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

- 85 per cent of mortgages;
- 87 per cent of caveats;
- 85 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](#).

### Don't get caught out with the 1 July 2019 mandates

If you are a practitioner receiving instructions to act on a sale or purchase of property on behalf of a client, it is critical from now to make sure you prepare your dealings for electronic lodgment if you think the matter will settle after 1 July.

After 1 July 2019, all mainstream conveyancing dealings must be lodged electronically, whether they are standalone or in combination (e.g. a typical property transaction involving a discharge, transfer and mortgage). For more information on the mandate, please see the [ORG website](#).

To assist with the final steps for preparation towards the 1 July mandate, ORG will host an industry forum on 11 June 2019, from 10 am to 12 noon. A panel of eConveyancing experts will be able to answer any questions you may have about the mandate. Please join us by registering [here](#). Morning tea will be provided at the event.

## Update on Conveyancing Rules Version 5

Thank you for your submissions on the [Conveyancing Rules Version 5](#). We are now considering feedback and the next step is to finalise the Rules by end of May.

### NSW responses to current independent eConveyancing reviews

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

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

The NSW Government welcomes the opportunity to provide its response. The submission sets out the NSW Government's views on how the IGA should be adapted to provide a robust framework to manage emerging competitive markets in eConveyancing services. NSW focus is on delivering citizens a competitive, secure and fair marketplace in the NSW land title system, transferring a 150-year-old paper system to digital, with increased customer focus.

If you want more information about the IGA review itself, please contact the independent reviewer, Anne Larkins on 03 8617 8160 ([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)).

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

ORG has submitted a response to the IPART review Issues Paper. ORG's response comments on the questions regarding market settings, and our specific role as regulator. IPART is considering all submissions before a draft report is released by July 2019. Recommendations on the final prices will be provided to the NSW Government by October 2019. For more information, please visit the [IPART website](#), read the [fact sheet](#) or contact [IPART](#).

### Second ELNO in NSW - Sympli Early Onboarding Program and roadshow

Sympli is on track to commence a soft launch of its services in NSW this month. Sympli is offering select lawyers and conveyancers the opportunity to onboard with the platform through their Early Onboarding Program. For more information, please visit [Sympli's website](#).

On 23 May, Sympli will be providing an in-depth update on the platform and its rollout at an upcoming [roadshow](#) in Sydney. The roadshow will include a status update from ORG on the 1 July 2019 mandate in NSW and Version 5 of the Conveyancing Rules. Practitioners are encouraged to register. A full agenda and location details can be accessed [here](#).

### PEXA webinar and regional education sessions

PEXA is hosting a series of regional education sessions to assist practitioners in their preparation for the 1 July mandate. The "lunch and learn" style sessions will include an update

from the ORG on the 1 July 2019 mandate and changes to the Conveyancing Rules, bulk cancellation of certificates of title, and other recent developments. Revenue NSW will also update you on complex assessments and their digital transformation roadmap. PEXA will demonstrate a Transmission Application on their platform. Practitioners are encouraged to register and take advantage of the sessions where available. For more information, get in touch with [TeamNSW@pexa.com.au](mailto:TeamNSW@pexa.com.au).

ORG, Revenue NSW and PEXA will also be hosting a webinar to discuss the 1 July 2019 mandate and provide updates on bulk conversion of paper titles to eCT. Revenue NSW will also provide information on land tax and complex stamping arrangements. You will also be able to ask the industry experts on any questions you may have. Please join us for the webinar by registering [here](#).

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

We believe that ELNOs need to 'interoperate', so that participants can choose their ELNO without being forced onto a single ELNO. We continue to investigate potential models of interoperability, with the assistance of industry representatives, including the Law Society, Australian Institute of Conveyancers, PEXA, Sympli, financial institutions and other key stakeholders. This work is contributing to a much deeper understanding of potential solutions that can be applied nationally. The independent chair of these working groups, [Dr Rob Nicholls](#), will deliver a report in mid-July 2019. Please contact [ORG](#) if you want more information about this work.

### **ELNO Conditions – information on vendor guarantee now available**

Under the licence conditions in NSW, ELNOs are required to provide a guarantee for the benefit of vendors in residential eConveyancing transactions. The guarantee provides compensation to vendors for certain losses suffered as a result of fraudulent activity.

While the licence conditions set out the minimum requirements of the vendor guarantee, each ELNOs guarantee may be subject to different terms and conditions.

ORG has published a table which sets out the key terms of each ELNO's vendor guarantee. Currently, PEXA is the only ELNO operating in NSW – however, as more ELNOs enter the market, the table will be updated to enable subscribers and other interested parties to compare each ELNO's vendor guarantee and help them to decide which ELNO's guarantee is best suited to their circumstances. Please view the table on the [ORG website](#).

### **Electronic certificates of title update**

The Government's mandate to full digital conveyancing announced in February 2017, included the transition of all remaining paper certificates of title to electronic certificates of title (eCTs) by 1 July 2019.

Late last year, we converted half of all paper titles in NSW to eCTs - these were all encumbered titles.

The remaining unencumbered titles will be converted to eCTs at a later date, and in consideration of the need for industry to have time to prepare. We will give you ample notice, well ahead of time, once a new date is set.

In the meantime, ORG will shortly respond to the submissions made to the discussion paper released last year. Further information will be published 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

A handwritten signature in blue ink, appearing to read 'J. Cox', with a large loop at the bottom.

*Jeremy Cox*  
NSW Registrar General