



## NSW Land Registry edges closer to its digital targets

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by Se Eun Lee



Options to modernise land transactions in New South Wales are currently on the table, with the state Land Registry releasing a Discussion Paper yesterday to identify and address obstacles to technology adoption and digitisation.

“This paper seeks to take the 20th century laws governing property acquisition and bring them in line with the expectations of a 21st century homebuyer,” states the Minister for Innovation and Better Regulation, Victor Dominello, in the foreword to the paper.

“In our digital world, people should not have to rush to solicitors and bankers to sign paper documents”, he said.

Technology-enabled solutions up for consideration include electronic and digital signatures, an online platform for digital lodgement of documents, and sending files via electronic media, such as a cloud-based file sharing program.

### The bigger picture

There are three broad phases to property acquisition: the investigation phase; the acquisition phase; and the registration of title phase.

The registration of title phase is already under reform, with the NSW Government launching its electronic conveyancing (eConveyancing) program back in 2013. The program seeks to replace the manual and paper-based property transaction with an entirely digital environment by 2019.

According to the transition timeline on the NSW Office of the Registrar-General’s website, all refinances and standalone mortgages were expected to be digitised by 2017. Standalone transfers and caveats should be lodged

electronically by July 2018, followed by all mainstream property transactions in July 2019.

Western Australia undertook a similar transition in 2016, with the state's land registry agency Landgate successfully transitioning its internal land registry system to a world-first cloud-based platform that automates the process of registering property ownership to a central database.

### Project specifics

The Discussion Paper seeks to address the acquisition phase of property transaction – that is, “[t]he beginning of a transaction, including the negotiations between the parties, vendor disclosure and exchange of contracts”.

The paper has flagged expanding the use of electronic and digital signatures as a way to enable electronic land transactions. Although electronic signatures can presently be used to create and dispose of interest in land under the *Electronic Transactions Act 2000*, the Act does not apply to witness attestation on mortgages, leases, and other documents, which require a “wet” signature.

Other methods of attestation considered by the paper include witnessing through video link.

The paper sought views on moving the paper-based documents exchanged between the parties, which can extend to hundreds of pages, to an electronic format.

“This might be achieved by permitting disclosure documents to be given on separate electronic media, such as a USB stick or a cloud-based file sharing program, rather than require these to be attached to a paper contract,” notes the paper. “Alternatively, the issue may be alleviated where complete contracts are created and executed electronically.”

The Paper also raises the possibility of enabling the exchange of wholly electronic contracts “by clicking an ‘exchange’ button in an online platform”, rather than printing a duplicate contract and exchanging the hardcopy.

The submissions to the Discussion Paper closes on 16 February 2018.

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