

Paperless conveyancing in NSW

On 11 October 2021 the Registrar General of New South Wales went paperless with certificates of titles and dealings in accordance with its mandate of 100% eConveyancing.

New South Wales joins other states and territory such as Queensland, South Australia and Australian Capital Territory which issue only electronic titles. Victoria, Western Australia and Northern Territories also issue electronic titles but still gives the option to be issued paper certificates of titles.

The two major changes introduced to the **land titles registration** in New South Wales are:

(a) Paper certificate of title will no longer be issued

NSW Land Registry Services is no longer required to issue paper certificates of titles and they will no longer require paper certificates of title to be submitted for dealings registrations.

Persons who hold current paper certificates of title are not required to do anything with it. However the paper certificates of title they hold will no longer be valid. A registered proprietor does not need to prove their ownership over a property with a paper certificate of title as the NSW Land Registry Services already has an electronic record of it.

This major change sought to address the problem of paper certificates of titles being susceptible to loss or destruction which has often led to incurring more time and resources in getting the transaction completed. Instances where this problem becomes apparent include:

- an executor of a deceased estate who could not do a transmission of deceased property because they were not provided with the paper certificate of title by the deceased and they could not locate it.
- property could not be sold or mortgaged because the paper certificate of title was destroyed by fire or floods.

With the abolition of paper certificates of titles, the good news is that if the paper certificate of title has been lost or destroyed, there will be no need to apply for replacement of certificate of title with the NSW Land Registry Services. Consequently dealings registration which previously required the surrender of paper certificates of titles will no longer be held back by the lack of paper certificates of titles.

(b) No more lodging of paper dealings

Unrepresented parties can no longer go to the NSW Land Registry Services to lodge dealings for registration. Parties will now have the services of a conveyancer or solicitor who is an electronic lodgement network operator (ELNO) subscriber to lodge their dealings (excluding Determination of Title Boundary) for them. If a surviving joint tenant were to lodge a paper Notice of Death upon the death of a co-joint tenant (a fairly straightforward dealings registration) for example, the surviving joint tenant will have to go to a conveyancer or solicitor to have the same electronically lodged as they can no longer lodge the paper Notice of Death themselves with the NSW Land Registry Services.

When parties go to a conveyancer or solicitor, they will be asked to sign a form authorising the conveyancer or solicitor to transact and lodge the dealing on their behalf. The conveyancer or solicitor will be responsible in verifying the parties' identities and right to deal over the property. Once these steps are completed, the conveyancer or solicitor will electronically lodge the dealings on behalf of the parties.

For more information on any aspect covered in this article, please call SUPERCentral on 02 8296 6266 or email info@supercentral.com.au.