



Paper Certificates of Title Abolished with move to total eConveyancing

New changes to the Land Titles System in NSW have been introduced that will transition NSW away from paper-based processes resulting in the cancellation of all existing paper Certificates of Title.

The Real Property Amendments (Certificates of Titles) Act 2021 makes several changes to legislation, importantly allowing for the cancellation of certificates of title (CTs) and progressing NSW to 100% electronic lodgement of and transactions.

There two significant changes effective from 11 October 2021:

- The cancellation of CTs and the control of the right to deal (CoRD) framework; and
- All land dealings must be lodged electronically. This is referred to as '100% eConveyancing.'

Existing Certificates of Title

Existing paper CTs have been cancelled and CTs will no longer be issued. Existing CTs cannot be required to be produced to have a dealing or plan lodged for registration.

Similarly, Authorised Deposit-Taking Institutions, such as banks, will no longer be issued with CoRD, which is the electronic equivalent of a CT.

100% eConveyancing

The Registrar General has declared under the NSW Conveyancing Rules that all electronic dealings are mandated to be lodged electronically.

Lodging land dealings in paper are not permitted from 11 October 2021. All land dealings to be lodged with NSW LRS can only be done electronically by a subscriber (e.g. a lawyer, licensed conveyancer, or a bank) to an Electronic Lodgement Network and amendments to the NSW Conveyancing Rules have been made to repeal those parts which refer to a paper process.

Impact on Landowners

There are three main changes from the current practice for landowners:

1. Those who pay off their mortgage will not receive a CT as was traditionally the case.
2. A purchaser of property without the need for a mortgage (aka "cash-buyer") will not receive a CT.



3. When a plan of subdivision is registered, and new parcels of land created, CTs (or CoRD) will no longer be issued for those parcels.

What Protections are in place when there is no paper CT

The NSW Torrens Register is the single source of truth as to a person's interest or estate in land. All documents to be registered on the Torrens Register must be lodged by a subscriber, who must verify the identity of their client and establish that they have the right to deal with the land. Lawyers and licenced conveyancers are subscribers who can represent clients to prepare and lodge dealings.

If you want to know more about eConveyancing or you need advice or assistance with any property law issue, please contact one of our accredited property law specialists, John Bateman or Michael Battersby on 02 4731 5899 or email property@batemanbattersby.com.au.