



Our ref: Prop:DHgl1660006

5 April 2019

NSW Land Registry Services
DX 17 Sydney

Dear Sir/Madam,

Proposed changes to the Registrar General's Guidelines

The Law Society of NSW appreciates the opportunity to comment on the proposed changes to the Registrar General's Guidelines. The Law Society's Property Law Committee has contributed to this submission.

We understand that it is proposed to remove the Staff Processing Information ("Processing Information") section of the Registrar General's Guidelines. We note that the Processing Information section includes ITS codes, table numbers, staff referral and processing instructions.

We have no objection to the removal of the material that commonly appears under the subheading "Registration procedure" as this information is clearly of internal value only and is largely comprised of instructions regarding ITS codes for processing purposes. However, the other material in the Processing Information section is very useful to practitioners and we have strong concerns regarding its proposed removal.

The utility of the Processing Information section (excluding the Registration procedure material) for practitioners is clearly illustrated by examining a selection of the Registrar General's Guidelines. We have reviewed the following Registrar General's Guidelines by way of a sample:

- Consolidation of By-laws¹
- Bankruptcy Application²
- Cross easements s181B Conveyancing Act 1919³
- Merger of lease, mortgage or charge⁴

¹ http://rg-guidelines.nswlrs.com.au/land_dealings/dealing_requirements/strata_title_schemes/change_bylaws

² http://rg-guidelines.nswlrs.com.au/land_dealings/dealing_requirements/bankruptcy/bankruptcy_application

³ http://rg-guidelines.nswlrs.com.au/land_dealings/dealing_requirements/easements/crosseasements_s181

⁴ http://rg-guidelines.nswlrs.com.au/land_dealings/dealing_requirements/requests/merger_lease_mortgage_charge

We note that:

- The Consolidation of By-laws Guideline does not contain any Processing Information and would be unaffected by the proposal.
- The other three Guidelines all contain useful material for practitioners in the Processing Information section.
- All the information contained in the Cross easements s181B Conveyancing Act 1919 Guideline appears under the heading Staff Processing Information; if this was deleted there would be no content for this particular Guideline.
- All of the material included under the subheading Registration procedure in these Guidelines is clearly of internal value only.

In our view, there is considerable benefit in having publicly available details of what should be done to achieve registration. This is beneficial to practitioners and fosters a more efficient registration service more generally. Conversely, when registration is not achieved, the availability of relevant information facilitates a comparison of what should have been done with what was actually done.

With the introduction of requisition fees, it is even more critical for practitioners that the requirements of NSW Land Registry Services for the successful lodgment of documents are predictable and transparent. When practitioners have a better understanding of what is required to achieve registration, the need for requisitions to be raised should be reduced.

We do not believe that the removal of helpful material from the Registrar General's Guidelines will be well received by our members and we would urge you to reconsider the proposal. As stated above we have no objection to the removal of the material that appears under the subheading Registration procedure, but only this portion. We also anticipate that it is the Registration procedure material that is contemplated in relation to security concerns. The need to remove the whole of the information contained in the Staff Processing Information section to "promote and maintain the security of the Registers" is not immediately apparent to us.

Alternatively, if NSW Land Registry Services wishes to relocate useful information to practitioners from the Staff Processing Information to the main body of the Registrar General's Guidelines, that would be another satisfactory way of proceeding, provided all the information (except the Registration procedure information) is carried across.

We would be pleased to meet with you to further discuss the matters raised in this letter. Any questions should be directed to Gabrielle Lea, Policy Lawyer on 9926 0375 or email: gabrielle.lea@lawsociety.com.au.

Yours faithfully,



Elizabeth Espinosa
President

cc Mr Jeremy Cox, Registrar General