

Our ref: PLC:RMg250626

25 June 2026

The Registrar General
The Office of the Registrar General
McKell Building
2-24 Rawson Place
Sydney NSW 2000

By email: orgconsultations@customerservice.nsw.gov.au

Dear Danusia,

PROPOSED REAL PROPERTY REGULATION 2026

Thank you for the opportunity to provide feedback on the proposed Real Property Regulation 2026 (**proposed Regulation**). The Law Society's Property Law Committee contributed to this submission.

The Law Society supports the proposed Regulation which will replace the *Real Property Regulation 2019* (NSW) (**existing Regulation**) from 1 September 2026. We raise the following minor points for consideration.

Proposed section 13

Proposed section 13 prescribes the maximum amount that may be paid to settle any claim for payment of compensation from the Torrens Assurance Fund without obtaining Ministerial approval under section 135(3)(b) of the *Real Property Act 1900* (NSW) (**Act**). As currently drafted, section 13 may mistakenly be read as meaning that \$500,000 is the absolute maximum that can be paid to settle a claim on the Torrens Assurance Fund, rather than the maximum that can be paid to settle a claim on the Torrens Assurance Fund without obtaining Ministerial approval. We suggest consideration be given to revising proposed section 13 for greater clarity on its face. In that respect, we note the inclusion of the words "(without the approval of the Minister)" in the equivalent section of the existing Regulation, section 18, which provides a more fulsome description of the limit in our view, and suggest it be replicated in proposed section 13.

Schedule 1, proposed sections 6, 7, 8 and 9

We query the basis upon which the word "entity" has replaced the word "authority" in proposed sections 6 to 9 of Schedule 1 of the proposed regulation, (the equivalent sections under the existing Regulation being sections 6 to 9 inclusive of Schedule 2). In our view, the word "authority" is more appropriate in this context.

Headings

We note that some of the headings contain references to the relevant section of the Act, such as proposed sections 4, 5 and 12, but other proposed sections do not. We acknowledge this would be a matter for Parliamentary Counsel, but by way of feedback, we suggest it is helpful for the relevant section of the Act to be referenced in each heading.

Proposed section 11 and next review of the Act

We suggest that when the Act is next reviewed, consideration be given to amending section 91 of the Act to refer directly to section 170 of the *Conveyancing Act 1919* (NSW) (**Conveyancing Act**) in specifying the manner of service under section 91(2) and (5). In our view, this would be preferable, as we are unsure of the basis for the current and continuing proposed approach where the manner of service under section 91(2) and (5) is prescribed by regulation, which then refers back to section 170 of the Conveyancing Act.

Any questions in relation to this letter should be directed to Gabrielle Lea, Senior Policy Lawyer, at gabrielle.lea@lawsociety.com.au or on (02) 9926 0375.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ronan MacSweeney', followed by a period.

Ronan MacSweeney

President