



New South Wales

Conveyancing and Real Property Amendment Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make miscellaneous amendments to the following legislation—

- (a) the *Conveyancing Act 1919*,
- (b) the *Conveyancing (General) Regulation 2018*,
- (c) the *Conveyancing (Sale of Land) Regulation 2022*,
- (d) the *Real Property Act 1900*,
- (e) the *Real Property Regulation 2019*.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Conveyancing Act 1919 No 6

Schedule 1[1] makes an amendment to provide that, in order to be lodged in electronic form, documents do not need to be in a class of documents prescribed by the regulations.

Schedule 1[2] clarifies that fees may be prescribed for functions under the *Conveyancing Act 1919*.

Schedule 1[3], [12], [34] and [39] make amendments relating to references to the lodgment rules under the *Real Property Act 1900*, including by inserting a definition of *lodgment rules*.

Schedule 1[4] removes a requirement for certain documents to be in a form prescribed by the regulations.

Schedule 1[5]–[11] make amendments to extend provisions concerning options to purchase residential property to also apply to options to compel the purchase of residential property.

Schedule 1[13] makes an amendment to provide for an additional way a positive covenant for maintenance or repair may be released.

Schedule 1[14] and [15] make amendments of a statute law revision nature.

Schedule 1[16]–[21] make amendments to provide for the creation or release, by the registration of a plan, of a range of interests in land, including public restrictions or obligations burdening land and positive covenants for maintenance or repair benefiting land.

Schedule 1[22]–[27] make amendments concerning the imposition by a prescribed authority of restrictions on the use of land vested in the authority.

Schedule 1[30] makes provision for the release of a restriction on the use of land, or a public positive covenant on land, not vested in a prescribed authority. **Schedule 1[28] and [29]** make consequential amendments.

Schedule 1[32] and [33] make amendments resulting from the cessation of the commercial Document Exchange service (the *DX*). **Schedule 1[31]** makes a consequential amendment.

Schedule 1[35]–[38], [40] and [41] make minor amendments relating to the lodgment of certain plans for registration.

Schedule 1[42] and [43] make provision for certain forms to be in the form approved by the Registrar-General instead of the form prescribed by the regulations.

Schedule 1[44] amends a regulation-making power to provide that a provision of the regulations may authorise the Registrar-General to exempt a person from compliance with the provision in a particular case.

Schedule 1[45] inserts a proposed provision permitting the Registrar-General to issue requisitions.

Schedule 1[46] makes an amendment to allow the Registrar-General to enter into an information agreement with a person in anticipation of the person becoming a participating party.

Schedule 1[47] is a consequential transitional provision.

Schedule 2 Amendment of Conveyancing (General) Regulation 2018

Schedule 2[1]–[3] make amendments consequential on Schedule 1[16]–[21].

Schedule 3 Amendment of Conveyancing (Sale of Land) Regulation 2022

Schedule 3[1]–[9] make amendments consequential on Schedule 1[5]–[11].

Schedule 4 Amendment of Real Property Act 1900 No 25

Schedule 4[3] and [4] make amendments to facilitate the electronic lodgment of documents.

Schedule 4[5], to the extent it inserts proposed sections 3B and 3C, clarifies the power to prescribe fees for functions under the *Real Property Act 1900*.

Schedule 4[6], [7], [11]–[17], [25], [32]–[35], [40] and [41] make amendments concerning the way documents may be served under the *Real Property Act 1900*. **Schedule 4[1] and [5]**, to the extent it inserts proposed section 3D, make consequential amendments.

Schedule 4[8] makes amendments concerning the making of the conveyancing rules under the *Real Property Act 1900*.

Schedule 4[9] makes an amendment concerning the making of the lodgment rules under the *Real Property Act 1900*.

Schedule 4[10], [38] and [39] make amendments reflecting a change in terminology from “official search” to “computer folio certificate”. **Schedule 4[2]** makes a consequential amendment.

Schedule 4[18]–[24] make amendments to the information, particularly the addresses, that must be given when a caveat is lodged. **Schedule 4[28] and [29]** make consequential amendments.

Schedule 4[26] and [27] amend the list of recordings the Registrar-General may make in the Register despite the existence of a caveat.

Schedule 4[30] and [31] make amendments resulting from the cessation of the DX.

Schedule 4[36] makes amendments to the way the Register is made available for searching. **Schedule 4[37]** makes a consequential amendment.

Schedule 4[42] amends the regulation-making power.

Schedule 5 Amendment of Real Property Regulation 2019

Schedule 5[1] makes an amendment consequential on the amendments made by Schedule 4[36].

Schedule 5[2] makes an amendment consequential on the amendment made by Schedule 4[30].



New South Wales

Conveyancing and Real Property Amendment Bill 2025

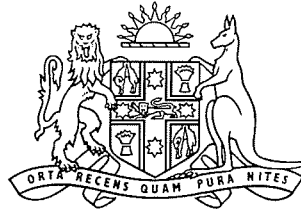
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Conveyancing and Real Property Amendment Bill 2025

No , 2025

A Bill for

An Act to make miscellaneous amendments to the *Conveyancing Act 1919* and the *Real Property Act 1900*; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Conveyancing and Real Property Amendment Act 2025</i> .	3
2 Commencement	4
This Act commences as follows—	5
(a) for Schedule 1[13] and [16]–[30]—on a day or days to be appointed by proclamation,	6 7
(b) otherwise—on the date of assent to this Act.	8

Schedule 1 Amendment of Conveyancing Act 1919 No 6

[1] Section 6A Application of Act to electronic form plans and other documents	2
Omit section 6A(1)(b). Insert instead—	3
(b) documents required, by this Act or another Act, to be lodged with a plan.	4
	5
[2] Section 6B	6
Omit the section. Insert instead—	7
6B Fees	8
(1) The regulations may prescribe the following—	9
(a) functions under this Act, the regulations or another law for which a fee may be charged and the amount of the fee,	10
	11
(b) the fees to be paid for the exercise of titling and registry functions.	12
(2) A prescribed fee must be paid before the function is exercised unless otherwise agreed between the person exercising the function and the person responsible for paying the fee.	13
	14
	15
(3) The fee prescribed for a titling and registry function is, if the function is undertaken by the authorised operator, the maximum fee that may be charged for the function.	16
	17
	18
(4) This section operates in addition to a provision of this Act or another law that allows for the prescribing of a fee.	19
	20
(5) In this section—	21
<i>authorised operator</i> has the same meaning as in the <i>Land and Property Information NSW (Authorised Transaction) Act 2016</i> .	22
	23
[3] Section 7 Definitions	24
Insert in alphabetical order in section 7(1)—	25
<i>lodgment rules</i> has the same meaning as in the <i>Real Property Act 1900</i> .	26
<i>titling and registry functions</i> has the same meaning as in the <i>Land and Property Information NSW (Authorised Transaction) Act 2016</i> .	27
	28
[4] Section 23 Dealings with land of undischarged bankrupt	29
Omit “in the prescribed form” from section 23(3).	30
[5] Section 66P Definitions	31
Insert in alphabetical order in section 66P(1)—	32
<i>option</i> means the following—	33
(a) an option to purchase residential property,	34
(b) an option to compel the purchase of residential property.	35
[6] Section 66R Preparation of proposed contract for sale of land	36
Omit “to purchase residential property” wherever occurring in section 66R(1)(d) and (e).	37
[7] Section 66T No cooling off period in certain cases	38
Omit “to purchase the property” from section 66T(d).	39

[8] Part 4, Division 9, heading	1
Omit “for purchase”. Insert instead “to purchase or compel purchase”.	2
[9] Part 4, Division 9	3
Omit “to purchase residential property” wherever occurring.	4
[10] Section 66Z Definitions	5
Insert in alphabetical order in section 66Z(1)—	6
<i>option</i> has the meaning given by section 66P.	7
[11] Section 66ZG Option void in certain circumstances	8
Omit “granted for the purchase of residential property” from section 66ZG(1).	9
[12] Sections 88(1A)(a1), 88B(2), 184A, 184E(4), 184H, 190A(3), 195C(1), 196E(4), 197(1) and 199	10
Omit “under the <i>Real Property Act 1900</i> ” wherever occurring.	11
[13] Section 88BA Positive covenants for maintenance or repair	12
Insert after section 88BA(6)—	13
(6A) A covenant imposed under this section may be released by the registration or recording, under Part 23, Division 3, of a plan that indicates, in accordance with section 88B(2)(f), that the covenant is intended to be released.	14
[14] Section 88B Creation and release of easements, profits à prendre and restrictions on use of land by plans	15
Insert “and” at the end of section 88B(2)(a)(ii).	16
[15] Section 88B(2)(b)	17
Insert “and” at the end of the paragraph.	18
[16] Section 88B(2)(e) and (f)	19
Omit “plan.” from section 88B(2)(d). Insert instead—	20
plan, and	21
(e) what public restrictions or obligations burdening land comprised in the plan are intended to be released by a prescribed authority, and	22
(f) what positive covenants for maintenance or repair burdening or benefiting land comprised in the plan are intended to be released.	23
[17] Section 88B(2A)	24
Insert after section 88B(2)—	25
(2A) A plan lodged under Part 23, Division 3 must include a document in the approved form that, on registration, will create or release an interest referred to in subsection (2) if the plan is intended, on registration, to—	26
(a) create an easement, profit à prendre, restriction on the use of land or positive covenant, or	27
(b) release an easement, profit à prendre, public restriction or obligation or positive covenant for maintenance or repair.	28

[18] Section 88B(3)(b)	1
Omit “referred to in that section”.	2
[19] Section 88B(3AA)	3
Omit the subsection. Insert instead—	4
(3AA) A relevant interest is released by the registration or recording, under Part 23, Division 3, of a plan on which the release of the interest is indicated.	5 6
[20] Section 88B(3B)	7
Insert after section 88B(3A)—	8
(3B) When a relevant interest is released in accordance with subsection (3AA), the Registrar-General must record the release in the Register kept under the <i>Real Property Act 1900</i> .	9 10 11
[21] Section 88B(5)	12
Insert after section 88B(4)—	13
(5) In this section—	14
<i>positive covenant for maintenance or repair</i> means a covenant imposed on land under section 88BA.	15 16
<i>prescribed authority</i> means a prescribed authority under section 88A, 88D or 88E.	17 18
<i>public restriction or obligation</i> means the following—	19
(a) a restriction on the use of land imposed by a prescribed authority under section 88D or 88E,	20 21
(b) a public positive covenant.	22
<i>relevant interest</i> means the following—	23
(a) an easement or profit à prendre under subsection (2)(c1),	24
(b) a public restriction or obligation under subsection (2)(e),	25
(c) a positive covenant for maintenance or repair under subsection (2)(f).	26
[22] Section 88D Regulation of use of land held by a prescribed authority	27
Omit the definition of <i>prescribed land</i> from section 88D(1).	28
[23] Section 88D(2)–(7)	29
Omit the subsections. Insert instead—	30
(2) A prescribed authority may, in accordance with this section, impose the following on land vested in the authority—	31 32
(a) restrictions on the use of the land,	33
(b) public positive covenants.	34
(3) For land under the provisions of the <i>Real Property Act 1900</i> , the prescribed authority may impose a restriction or public positive covenant under subsection (2) by lodging with the Registrar-General an instrument of restriction or public positive covenant, in the form approved under that Act, that—	35 36 37 38 39
(a) specifies the land, and	40
(b) is executed by the prescribed authority.	41

(4)	A restriction or public positive covenant imposed in accordance with subsection (3) takes effect when the Registrar-General has made, in the Register kept under the <i>Real Property Act 1900</i> , the recordings relating to the restriction or public positive covenant the Registrar-General considers appropriate.	1 2 3 4 5
(5)	For land not under the provisions of the <i>Real Property Act 1900</i> , the prescribed authority may impose a restriction or public positive covenant under subsection (2) by lodging with the Registrar-General an order that—	6 7 8
	(a) specifies the land, and	9
	(b) is executed by the prescribed authority.	10
(6)	A restriction or public positive covenant imposed in accordance with subsection (5) takes effect when the order by which the restriction or public positive covenant is imposed is registered under Part 23, Division 1.	11 12 13
(7)	A restriction or public positive covenant recorded in accordance with subsection (4) is an interest under the <i>Real Property Act 1900</i> , section 42.	14 15
[24]	Section 88D(8)	16
	Omit “which made the order by which the restriction or public positive covenant was imposed”.	17 18
	Insert instead “that imposed the restriction or public positive covenant”.	19
[25]	Section 88D(8)	20
	Omit “described in the order”.	21
[26]	Section 88D(11) and (12)	22
	Omit the subsections. Insert instead—	23
(11)	A restriction or public positive covenant imposed on land in accordance with this section may be released in whole or in part—	24 25
	(a) for land under the provisions of the <i>Real Property Act 1900</i> —by the registration of an instrument of release—	26 27
	(i) in the form approved for the <i>Real Property Act 1900</i> , and	28
	(ii) executed by the prescribed authority, or	29
	(b) otherwise—by an order of release—	30
	(i) executed by the prescribed authority, and	31
	(ii) registered under Part 23, Division 1.	32
(12)	A restriction or public positive covenant imposed under this section may be released by the registration or recording, under Part 23, Division 3, of a plan that indicates, in accordance with section 88B(2)(e), that the restriction or public positive covenant is intended to be released.	33 34 35 36
[27]	Section 88D(13)	37
	Omit “which made the order by which the restriction or public positive covenant was imposed”.	38 39
[28]	Section 88E Regulation of use of land not held by a prescribed authority	40
	Omit “a memorandum” wherever occurring. Insert instead “an instrument”.	41

[29] Section 88E	1
Omit “the memorandum” wherever occurring. Insert instead “the instrument”.	2
[30] Section 88E(7A)	3
Insert after section 88E(7)—	4
(7A) A restriction on the use of land or a public positive covenant imposed under this section may be released by the registration or recording, under Part 23, Division 3, of a plan that indicates, in accordance with section 88B(2)(e), that the restriction or public positive covenant is intended to be released.	5 6 7 8
[31] Section 99A Foreclosure order for certain charged land	9
Omit “personally or by post” from section 99A(3).	10
Insert instead “, in accordance with section 170,”.	11
[32] Section 170 Service of notices	12
Omit section 170(1)(c).	13
[33] Section 170(1A)	14
Omit the subsection. Insert instead—	15
(1A) For service by email, facsimile or other electronic means, the notice is taken to have been served on the day the notice is sent unless sufficient evidence to the contrary is presented.	16 17 18
[34] Section 186(2) and 187	19
Omit “prescribed manner” wherever occurring.	20
Insert instead “way required by the lodgment rules”.	21
[35] Section 195A, heading	22
Omit “and related documents”.	23
[36] Section 195A(4)	24
Omit “a separate document in the approved form relating to the plan”.	25
Insert instead “an administration sheet”.	26
[37] Section 195A(5)	27
Insert after section 195A(4)—	28
(5) In this section—	29
<i>administration sheet</i> means a document in the approved form that includes the following—	30 31
(a) information prescribed by the regulations,	32
(b) information required by the lodgment rules,	33
(c) other information reasonably required by the Registrar-General for the registration or recording of the plan.	34 35
[38] Section 195C Form and certification of plans	36
Insert after section 195C(1)(a)—	37
(a1) be in the approved form, and	38

[39] Section 195C(1)(c) and (e)	1
Insert “or in the way required by the lodgment rules” after “this Act” wherever occurring.	2
[40] Section 195D Signatures and consents	3
Omit “release an easement or profit à prendre, as referred to in section 88B(2),” from section 195D(1)(d).	4
Insert instead—	5
release, as referred to in section 88B(2)—	6
(i) an easement, or	7
(ii) a profit à prendre, or	8
(iii) a restriction on the use of land or a public positive covenant imposed under section 88D or 88E, or	9
(iv) a positive covenant for maintenance or repair,	10
[41] Section 195D(1)	11
Omit “separate document”. Insert instead “administration sheet”.	12
[42] Section 196A Registration of resumptions	13
Omit “on the prescribed form of the resumption” from section 196A(3)(a).	14
Insert instead “of the resumption in the approved form”.	15
[43] Section 200 Vacation of entries	16
Omit “prescribed” from section 200(2). Insert instead “approved”.	17
[44] Section 202 General rules under this Part as to registration and fees	18
Omit section 202(6). Insert instead—	19
(6) A provision of a regulation may do one or more of the following—	20
(a) authorise a matter or thing to, from time to time, be determined, applied or regulated by a specified person or body,	21
(b) authorise the Registrar-General to exempt a person from complying with the provision in a particular case.	22
[45] Section 204	23
Insert after section 203A—	24
204 Registrar-General’s requisitions	25
(1) The Registrar-General may, in relation to a deed, plan or other instrument lodged for registration or recording under this part, issue a written notice (a <i>requisition</i>) requiring a person to do one or more of the following—	26
(a) re-execute, complete or correct the deed, plan or instrument,	27
(b) give the Registrar-General specified information, or produce a specified instrument or other document, in support of the deed, plan or instrument.	28
(2) The Registrar-General may refuse to register, record or otherwise deal with the deed, plan or instrument until the requisition is complied with and the fee prescribed for this section is paid.	29

[46] Section 212 Agreements	1
Omit section 212(1). Insert instead—	2
(1) The Registrar-General may enter into an agreement (an <i>information agreement</i>) with an existing or potential participating party.	3 4
[47] Schedule 9 Savings, transitional and other provisions	5
Insert at the end of the schedule, with appropriate part and clause numbering—	6
Part Provision consequent on enactment of Conveyancing and Real Property Amendment Act 2025	7 8 9
Options to compel purchase of residential property	10
This Act, Part 4, Division 9 does not apply to an option to compel the purchase of residential property that was given or entered into before the date of assent to the <i>Conveyancing and Real Property Amendment Act 2025</i> .	11 12 13

Schedule 2	Amendment of Conveyancing (General)	1
	Regulation 2018	2
[1] Clause 3 Definitions		3
	Insert in alphabetical order in clause 3(1)—	4
	<i>public restriction or obligation</i> has the same meaning as in the Act, section 88B.	5 6
[2] Clause 16 Miscellaneous plans		7
	Omit “easement or profit à prendre” from clause 16(b).	8
	Insert instead “easement, profit à prendre, public restriction or obligation or positive covenant for maintenance or repair”.	9 10
[3] Clause 19		11
	Omit the clause. Insert instead—	12
19 Release of interest under section 88B		13
(1)	A plan that, under the Act, section 88B, is intended to release a relevant interest must include, legibly printed on the administration sheet lodged with the plan, a statement of intention to release the relevant interest.	14 15 16
(2)	In this clause—	17
	<i>plan</i> means a deposited plan or a strata plan, other than a building alteration plan.	18 19

Schedule 3	Amendment of Conveyancing (Sale of Land)	1
	Regulation 2022	2
[1] Section 17 Exemptions—the Act, s 66Y(3)		3
Omit section 17(3).		4
[2] Part 4, heading		5
Omit “for purchase of residential property”.		6
[3] Sections 19(2)(a), 21(2), 23(3)		7
Omit “to purchase residential property” wherever occurring.		8
[4] Section 28		9
Insert after section 27—		10
28 Transitional provision—forms		11
(1) This section applies to the following—		12
(a) contracts for the sale of residential property,		13
(b) options.		14
(2) For the period from the commencement of this provision until 31 December 2025, a contract or option to which this section applies is not invalid only because the contract or option includes a copy of a relevant form in Schedule 5 as in force immediately before the commencement of this provision.		15 16 17 18
[5] Schedule 4 Exempt contracts, options and land		19
Omit “option to purchase land” wherever occurring.		20
Insert instead “option to purchase or compel the purchase of land”.		21
[6] Schedule 5 Forms		22
Omit “to purchase the property” from Form 1, item 3(d).		23
[7] Schedule 5, Form 2, item 1		24
Omit “to purchase residential property”.		25
[8] Schedule 6 Dictionary		26
Insert in alphabetical order—		27
<i>option</i> has the same meaning as in the Act, Part 4, Division 8.		28
[9] Schedule 6, definition of “purchaser”		29
Omit “to purchase residential property”.		30

Schedule 4 Amendment of Real Property Act 1900 No 25

[1] Section 3 Definitions

Insert in alphabetical order in section 3(1)(a)—
approved way—see section 3D.

[2] Section 3(1)(a), definition of “Computer folio certificate”

Omit the definition. Insert instead—

Computer folio certificate means a certificate containing—

- (a) the information recorded in a specified folio of the Register, on the date and at the time stated in the certificate, and
- (b) information held by the Registrar-General, on the date and at the time stated in the certificate, about the following—
 - (i) a plan or dealing, whether registered or awaiting registration, the registration of which requires or will require a change to be made in the information recorded in the specified folio,
 - (ii) a caveat or priority notice that purports to affect land comprised in the specified folio if information about the caveat or priority notice is not recorded in the folio.

[3] Section 3A Application of Act to electronic form plans and other documents

Omit section 3A(1)(b). Insert instead—

- (b) other documents required, under this Act or another Act, to be lodged with the plans.

[4] Section 3A(3)

Omit the subsection. Insert instead—

- (3) If a plan is lodged electronically, all documents required to be lodged with the plan must also be lodged electronically in a form approved by the Registrar-General, unless excepted by—
 - (a) regulations under this Act or another Act, or
 - (b) the Registrar-General.

[5] Sections 3B–3D

Omit section 3B. Insert instead—

3B Prescribed fees

- (1) The regulations may prescribe the following—
 - (a) functions under this Act, the regulations or another law for which a fee may be charged and the amount of the fee,
 - (b) the fees to be paid for the exercise of titling and registry functions.
- (2) This section operates in addition to a provision of this Act or another law that allows for the prescribing of a fee.

3C Payment of fees

- (1) A prescribed fee must be paid before the relevant function is exercised unless otherwise agreed between the person exercising the function and the person responsible for paying the fee.

(2)	If a titling and registry function is exercised by an authorised operator, the prescribed fee for the function is the maximum fee that may be charged.	1 2
(3)	To avoid doubt, the acceptance by an authorised operator of a fee less than the prescribed fee does not operate to reduce the amount required to be paid from the fee into the Torrens Assurance Fund.	3 4 5
3D	Giving of notice in approved way	6
	If a provision of this Act or the regulations provides for the Registrar-General to give notice of a matter in the approved way, notice may be given in the way provided for in the <i>Conveyancing Act 1919</i> , section 170 (the approved way).	7 8 9
[6]	Section 12 Powers of Registrar-General	10
	Omit section 12(1)(h1). Insert instead—	11
	(h1) The Registrar-General may give notice of the intended exercise or performance of a power, authority, duty or function conferred or imposed by this Act as follows—	12 13 14
	(i) in the approved way,	15
	(ii) by advertisement,	16
	(iii) by directing another person to give notice in a way and form approved by the Registrar-General.	17 18
[7]	Section 12(1A)	19
	Omit the subsection.	20
[8]	Section 12E Conveyancing rules	21
	Insert after section 12E(1)—	22
	(1A) The conveyancing rules may provide for specific matters to be determined by the Registrar-General.	23 24
	(1B) The Registrar-General may accept the lodgment of a document that does not comply with the conveyancing rules if the Registrar-General is satisfied that lodgment of the document is appropriate in the circumstances.	25 26 27
[9]	Section 12F Lodgment rules	28
	Insert after section 12F(1)—	29
	(1A) The lodgment rules may provide for specific matters to be determined by the Registrar-General.	30 31
	(1B) The Registrar-General may accept the lodgment of a dealing, caveat, priority notice or other instrument that does not comply with the lodgment rules if the Registrar-General is satisfied lodgment of the matter is appropriate in the circumstances.	32 33 34 35
[10]	Section 33 Information notice	36
	Omit section 33(3)(b)(i). Insert instead—	37
	(i) a computer folio certificate, or	38
[11]	Section 49 Cancellation of recordings of easements after abandonment, consolidation of tenements or release	39 40
	Omit “personally or by post” from section 49(4)(a). Insert instead “in the approved way”.	41

[12] Section 49(4A)	1
Omit “in a newspaper rather than by personal or postal service”.	2
Insert instead “rather than in the approved way”.	3
[13] Section 49(4A)(a)	4
Omit “in a newspaper”.	5
[14] Section 57 Procedure on default	6
Omit “manner authorised by section 170 of the <i>Conveyancing Act 1919</i> ” from section 57(2)(b).	7
	8
Insert instead “approved way”.	9
[15] Section 57(2)(b1)	10
Omit “(in the manner authorised by section 170 of the <i>Conveyancing Act 1919</i>)”.	11
Insert instead “in the approved way”.	12
[16] Section 61 Application for foreclosure order	13
Omit “accordance with the provisions of section 170 (1) of the <i>Conveyancing Act 1919</i> ” from section 61(1A).	14
	15
Insert instead “the approved way”.	16
[17] Section 61(2A)(a)	17
Omit “personally or by post to the NSW Trustee and Guardian where, at the time such notice is so given”.	18
	19
Insert instead “in the approved way to the NSW Trustee and Guardian if, at the time the notice is given”.	20
	21
[18] Section 74B Lodgment of caveats against primary applications	22
Omit section 74B(2)(b). Insert instead—	23
(b) specify the following—	24
(i) the name of the caveator,	25
(ii) an address for the caveator,	26
(iii) an address at which notices may be served on the caveator,	27
(iv) the prescribed particulars of the estate or interest to which the caveator claims to be entitled,	28
	29
(v) if the caveat relates only to part of the land that is the subject of the primary application—a description that enables the part to be identified,	30
	31
	32
[19] Section 74B(4)	33
Insert after section 74B(3)—	34
(4) The address provided under subsection (2)(b)(iii) for the service of notices must—	35
	36
(a) be an address in Australia, or	37
(b) if the regulations provide that notices under this section may be served electronically—comply with requirements prescribed by the regulations.	38
	39
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[20]	Section 74F Lodgment of caveats against dealings, possessory applications, plans and applications for cancellation of easements or extinguishment of restrictive covenants	1
	Insert “and” after “form,” in section 74F(5)(a).	2
		3
[21]	Section 74F(5)(b)	4
	Insert “the following” after “specify”.	5
		6
[22]	Section 74F(5)(b)(ii) and (iii)	7
	Omit the subparagraphs. Insert instead—	8
	(ii) an address for the caveator,	9
	(iii) an address at which notices may be served on the caveator,	10
[23]	Section 74F(5)(b)(viii)	11
	Omit the subparagraph.	12
[24]	Section 74F(5A)	13
	Insert after section 74F(5)—	14
	(5A) The address provided under subsection (5)(b)(iii) for the service of notices must—	15
	(a) be an address in Australia, or	16
	(b) if the regulations provide that notices under this section may be served electronically—comply with requirements prescribed by the regulations.	17
		18
		19
		20
[25]	Section 74F(6)(a)	21
	Omit “by post”. Insert instead “in the approved way”.	22
[26]	Section 74H Effect of caveat lodged under section 74F	23
	Insert after section 74H(5)(o)—	24
	(o1) the release, by the registration of a plan under the <i>Conveyancing Act 1919</i> , section 88B, of a restriction or public positive covenant imposed under that Act, section 88D or 88E,	25
		26
		27
[27]	Section 74H(5)(p1)	28
	Insert after section 74H(5)(p)—	29
	(p1) a plan under the <i>Conveyancing Act 1919</i> , section 88B releasing a covenant referred to in paragraph (m2),	30
		31
[28]	Section 74N Service of notices on caveators for purposes of Part	32
	Omit “74B (2) (b) (vi) or 74F (5) (b) (viii)” from section 74N(1)(b)(i).	33
	Insert instead “74B(2)(b)(iii) or 74F(5)(b)(iii)”.	34
[29]	Section 74N(1)(c)	35
	Omit “business or residential”.	36
[30]	Section 74N(1)(d)	37
	Omit “or, if the solicitor or licensed conveyancer maintains a box at a document exchange established in New South Wales by a prescribed person, deposited in that box or left at	38
		39

another such exchange for transmission to the first-mentioned exchange for depositing in that box”.	1 2
[31] Section 74N(2)	3
Omit the subsection.	4
[32] Section 81G, heading	5
Omit “Service”. Insert instead “Giving”.	6
[33] Section 81G(1)	7
Omit “served personally or by registered post at the last address of the recipient known to the Registrar-General”.	8 9
Insert instead “given in the approved way”.	10
[34] Section 81G(2)	11
Omit “rather than by personal or postal service”.	12
[35] Section 81G(3)	13
Omit “and must be published in a newspaper circulating generally throughout the State”.	14
[36] Part 11A	15
Omit the part. Insert instead—	16
Part 11A Access to Register	17
96A Register to be publicly available	18
(1) The Register is a public register available to be searched—	19
(a) in the way approved or authorised by the Registrar-General, and	20
(b) at the prescribed times, and	21
(c) on payment of the fee prescribed for the search.	22
(2) A request for a search of the Register may be made to the Registrar-General in the approved form for the following—	23 24
(a) a computer folio certificate,	25
(b) a certificate containing the information kept for a folio under section 32(7),	26 27
(c) a copy or image of the following—	28
(i) a manual folio,	29
(ii) a dealing or instrument that has been registered or recorded or lodged for registration or recording,	30 31
(iii) a caveat or priority notice that has been recorded or lodged for recording,	32 33
(iv) another record required by the regulations to be kept as part of the Register.	34 35
(3) The information provided in response to a request must be authenticated in the way the Registrar-General considers appropriate.	36 37
(4) Without affecting any duty imposed by or under this Act, information in the Register may also be made available in accordance with the conditions determined by the Registrar-General and approved by the Minister.	38 39 40

(5)	A condition under subsection (4) may—	1
(a)	require the payment of fees and other charges, or	2
(b)	restrict access to information in one or more parts of the Register.	3
96B	Certified copies	4
(1)	A person making a request for a certificate, copy or image under section 96A may request that the Registrar-General certify the certificate, copy or image.	5 6
(2)	A request must be—	7
(a)	made in the form approved by the Registrar-General, and	8
(b)	accompanied by the prescribed fee.	9
(3)	Information is certified by the Registrar-General if the document containing the information is—	10 11
(a)	signed by the Registrar-General, and	12
(b)	sealed with the Registrar-General’s seal.	13
(4)	Information certified under this section may be received by a court, tribunal or other decision-maker as prima facie proof of the information.	14 15
96C	Matters arising	16
(1)	This section applies if a solicitor or licensed conveyancer relies on the correctness of information obtained from a request under section 96A (<i>section 96A information</i>) when acting for a person (the <i>client</i>) in connection with a purchase, disposal or other dealing with land.	17 18 19 20
(2)	The client has no cause of action against the solicitor or licensed conveyancer for loss or damage suffered as a result of an error in, or omission from, the section 96A information.	21 22 23
(3)	A person engaged in providing titling and registry functions must not—	24
(a)	commit, or be party to, a fraudulent act in relation to a request under section 96A, or	25 26
(b)	be wilfully negligent in relation to a request under section 96A.	27
	Maximum penalty for subsection (3)—10 penalty units.	28
[37]	Sections 115 and 115A	29
	Omit the sections.	30
[38]	Section 128 Definitions	31
	Omit section 128(1), definition of <i>official search</i> .	32
[39]	Section 129 Circumstances in which compensation payable	33
	Omit “an official search” from section 129(1)(f).	34
	Insert instead “a computer folio certificate or a certificate issued under section 96A”.	35
[40]	Section 135Q, heading	36
	Omit “Service”. Insert instead “Giving”.	37
[41]	Section 135Q(1)	38
	Omit section 135Q(1) and (2). Insert instead—	39
(1)	A notice under this part may be given—	40

	(a)	for a notice given to the Registrar-General—by leaving the notice at, or	1
		sending the notice by pre-paid post to, an office of the	2
		Registrar-General, or	3
	(b)	otherwise—in the approved way.	4
[42]	Section 144 Regulations		5
	Insert after section 144(1)(a)—		6
	(b)	matters for which a fee may be recovered by the Registrar-General, and	7

Schedule 5	Amendment of Real Property Regulation 2019	1
[1] Clause 10		2
Omit clauses 10 and 11. Insert instead—		3
10 Public searches—the Act, s 96A		4
(1) The times at which the Register must be available to be searched are—		5
(a) for information from the Register provided in printed form—		6
(i) 8:30am to 4:30pm each business day, or		7
(ii) if the function of responding to a search request is exercised by the authorised operator—the ordinary business hours of the authorised operator, or		8 9 10
(b) for information from the Register provided in electronic form—between the hours of 1am and midnight each day, subject to scheduled maintenance or unavoidable system interruptions.		11 12 13
(2) The prescribed fee for a search is the fee set out in Schedule 1 for the type of search.		14 15
[2] Clause 15 Service of notices on caveator—prescribed person: section 74N (1) (d)		16
Omit the clause.		17