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STATEMENT OF PUBLIC INTEREST

CONVEYANCING AND REAL PROPERTY AMENDMENT BILL 2025

Need: Why is the policy needed based on factual evidence and stakeholder input?

This Bill introduces several miscellaneous amendments that modernise and streamline the legislative framework supporting the land title system, making it more adaptable to current development needs, supporting digital processes and changes in technology, and simplifying the process of removing unnecessary restrictions and covenants from the title to land.

The Bill also makes changes of a machinery nature to clarify regulation making powers, which will support the regular review of Regulations under the staged repeal process required by the Subordinate Legislation Act 1987.

Objectives: What is the policy's objective couched in terms of the public interest?

There is a strong public interest in ensuring the legislative framework underpinning the NSW land titles and conveyancing system remains relevant, clear and reflects land registry practices and the community needs.

This Bill achieves these objectives by reducing unnecessary administrative burdens, simplifying outdated and manual processes to align with requirements for a modern, digital land title system, and clarifying provisions affecting vendor disclosure that have become uncertain following the decision of the NSW Supreme Court in *BP7 Pty Ltd v Gavancorp Pty Ltd* [2021] NSWSC 265.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The NSW Government considered the following options:

Option 1 – Take no action and maintain the status quo.

Option 2 – Implement the Bill.

The issues addressed by the amendments can only be achieved through legislative amendments. If a miscellaneous bill was not used to deal with these amendments, it is likely that the Parliament would otherwise have to dedicate significant time and resources to considering separate amending bills, and current limitations in the legislation would impede the regular review and update of Regulations made under the primary Acts.

Analysis: What were the pros/cons and benefits/costs of each option considered?

Option 1, to take no action and maintain the status quo, is not preferred. Option 2 is the preferred option.

If the amendments are not made, then the legislation will continue to operate sub-optimally and would not be able to deliver an efficient outcome for the citizens of NSW and those who interact with the land titles system.

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Another option was to make the amendments in a piecemeal fashion over time. Some amendments could be progressed when more significant amendments are being made to each principal Act. However, this option carries a risk that some of the amendments in the Bill would be significantly delayed or may never be made. The consolidation of the amendments in one Bill is the most effective and efficient way to ensure that the NSW Parliament can consider the amendments without undue delay.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

Most provisions in the Bill will commence on assent. The Office of the Registrar General (ORG) has been working with NSW Land Registry Services (NSW LRS) to develop those provisions in the Bill that affect land registry practice, ensuring that any necessary changes in registry operations are in place for commencement. ORG and NSW LRS will publish associated communications to advise land registry customers and property industry stakeholders of relevant changes that affect land registry operations.

Reforms to allow restrictions on land to be released by a Section 88B Instrument will commence on proclamation so that NSW LRS can implement technical changes and update forms that will be required before the new provisions can apply.

The Bill also includes savings and transitional provisions for changes to vendor disclosure requirements for options and the contracts made in consequence of them, to preserve agreements formed before commencement of the new laws, and to provide sufficient lead time for the conveyancing sector to adjust to changes. ORG will work with conveyancing industry stakeholders to advise members of new requirements.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

ORG consulted closely with NSW LRS during the development of this Bill, as most provisions relate to land registry practices. Feedback that ORG and NSW LRS received from legal practitioners, property owners and members of the public was also considered in the development of the proposals.

ORG has also canvassed reforms in this Bill in its regular forums, attended by representatives from key industry groups including the Law Society of NSW, Australian Institute of Conveyancers (NSW Division), and Association of Consulting Surveyors (NSW) and the Institution of Surveyors (NSW).