



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].