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LawTalk Blog



Towards electronic conveyancing in South Australia

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On 4 July 2016 new conveyancing requirements for land transactions was implemented in South Australia under the *Electronic Conveyancing National Law (South Australia) Act 2013*.

Each of the States and Territories has now adopted the Electronic Conveyancing National Law (ECNL) within their own jurisdictions. The ultimate aim is to have a land administration system for the whole of Australia using an online platform called [PEXA](#). Whilst paper transactions are still permitted for the time being, it seems only a matter of time that all [conveyancing](#) will be undertaken electronically.

In the move towards electronic conveyancing, important changes have been introduced by the Registrar-General as follows:

- Duplicate Certificates of Title will no longer be issued by the Lands Titles Office. (LTO). An original land title will still be retained by the LTO and a copy made available online. Instead of receiving a paper copy of their land title, owners of land will instead be issued with a Confirmation of Registration Certificate via email.
- A conveyancer or solicitor who has been engaged to act for a party to a land transaction will sign transfers and other documentation on their behalf. Contracts for the sale and purchase of land will still be signed by the parties directly.
- Prior to signing, a conveyancer or solicitor must verify the identity of the party, verify the party's authority to enter into the land transaction and obtain the party's written authorisation.
- It is now possible to lodge a Priority Notice against the land title to secure an impending transaction and notify others that the transaction takes priority to others. The effect of a Priority Notice is to notify others that a particular document takes priority to other documents which may be lodged against the land title.

- The old system will be phased out after 4 months. Whilst paper documents will still be permitted, over time it is anticipated that online conveyancing using the PEXA system will become the norm for all conveyancing transactions across Australia.

The changes may come as a surprise to many as there will not be a lovely green coloured Certificate of Title issued to you following the purchase of your new home or business premises. Instead, you will receive an email confirming that the subject land has been registered in your name (which of course you may print on green paper and even frame if you so wish!).

"You will also be required to trust your friendly conveyancer or solicitor a bit more than before as they effectively 'step into your shoes' and sign the necessary documents on your behalf."

You will also be required to trust your friendly conveyancer or solicitor a bit more than before as they effectively 'step into your shoes' and sign the necessary documents on your behalf. The verification of identity and authority and client authorisation process should nevertheless alleviate fraudulent party transactions as well as minimise instances where the party signing does not actually have legal authority to do so. For example, where a company is the party, it is now imperative for the ASIC register to be searched in order to verify the existence of the company and that it is registered.

Ultimately, settlements of land transactions will be undertaken online with no physical attendance at the Lands Titles Office or lodgement of forms over the counter being necessary. This may be some years away yet, given that all parties must be subscribers to the [PEXA](#) system in order to engage in an electronic settlement.

This may explain why electronic settlements so far have been a little slow on the uptake interstate. The shift to an online system nevertheless represents both an inevitable and fundamental change whilst preserving the essence of our title land registration system. Do not panic though; see us at [Andersons](#) for your conveyancing needs!

Please note, this Blog is posted in Adelaide, South Australia by Andersons Solicitors. It relates to South Australian legislation. Andersons Solicitors is a medium sized law firm servicing metropolitan Adelaide and regional South Australia across all areas of law for individuals and businesses.