

COVID-19: PEXA subscribers can electronically lodge paper dealings and documents at NSW LRS from 11 May 2020

Source: [NSW Office of the Registrar General](#) and [NSW Land Registry Services](#)

Date: 8 May 2020

Abstract:

In our update on 6 March 2020 ([NSW – most residual documents to be made available for electronic lodgement by the end of 2020](#)), we advised that it should be possible to electronically lodge at NSW Land Registry Services (**NSW LRS**) most dealings which cannot currently be lodged electronically and which must still be lodged in paper (known as “**residual documents**”) by the end of 2020. Presently, there are approx. 100 such residual documents; however, in order to assist the maintenance of social distancing and those in self-isolation, the Registrar General of NSW has [announced](#) this week that it has approved a temporary electronic lodgment process for all documents which cannot currently be lodged electronically at NSW LRS and which must be lodged in paper (including residual documents).

This process will allow PEXA subscribers to electronically lodge at NSW LRS completed documents through PEXA workspaces as attachments in PDF format (called “**COVID-19 residual lodgments**”). NSW LRS will then treat the PDF versions of these documents as if they were the originals which were lodged in paper over the counter. A similar process has already commenced in Victoria, allowing PEXA subscribers to electronically lodge paper instruments at Victorian Land Registry Services – see our update: [COVID-19 – paper instruments can be lodged electronically at the Victorian land registry from 14 April 2020](#).

How will the temporary COVID-19 residual lodgment process work?

It will be launched in 2 phases:

Phase 1 – from 11 May 2020

From 11 May 2020, PEXA subscribers will be able to electronically lodge **any land dealing affecting a title which is electronically tradeable**. This includes those residual documents which were scheduled to be made available for electronic lodgment throughout 2020 in 5 batches (as listed on the [Schedule of eDealings page](#) on the NSW Registrar General’s website) and dealings which are mandated for electronic lodgment but which are lodged in paper under [conveyancing rules waivers](#). The process will be as follows:

- The paper dealing must be completed, executed and witnessed in the same way as if it is going to be lodged over the counter at NSW LRS. Please see the [Registrar General’s Guidelines](#) for guidance on how to complete and execute all of the [approved paper dealing forms](#).
- A PEXA subscriber then lodges the completed paper dealing at NSW LRS through a PEXA workspace as an attachment in PDF format. The PEXA subscriber completes this process in PEXA by:
 - opening a PEXA workspace;
 - selecting the name of the dealing being lodged;

- inserting the relevant details in the workspace (the title reference, the applicant's name, etc);
 - attaching the scanned paper dealing in PDF format; and
 - digitally signing the electronic instrument and providing the necessary certifications.
- NSW LRS will treat the PDF version of the paper dealing as if it were lodged in paper over the counter.

Phase 2 – from 25 May 2020

From 25 May 2020, PEXA subscribers will be able to lodge **all other documents which would ordinarily be lodged over the counter at NSW LRS**, including land dealings affecting titles which are not electronically tradeable (but not including plans and water access licences), e.g. powers of attorney, deeds, primary applications, etc. The process will be as follows:

- As is the case with paper dealings, the paper document must be completed, executed and witnessed in the same way as if it is being lodged over the counter at NSW LRS.
- A PEXA subscriber then lodges the completed document at NSW LRS through a PEXA workspace as an attachment in PDF format. The PEXA subscriber completes this process in PEXA by:
 - opening a PEXA workspace;
 - selecting the document known as “Miscellaneous document”;
 - inserting the relevant details in the workspace (the applicant's name, etc) but using a “dummy” title reference;
 - attaching the scanned paper document in PDF format; and
 - digitally signing the electronic instrument and providing the necessary certifications.
- Again, NSW LRS will treat the PDF version of the document as if it were lodged in paper over the counter.

Only applies to PEXA subscribers

Only PEXA subscribers will be able to lodge paper documents using the COVID-19 residual lodgment process. The process cannot currently be carried out on the [Sympli](#) platform.

Other paper document processes will still apply

The electronic lodgment of a paper document using the COVID-19 residual lodgment process will not be the same as lodging a standard electronic dealing on the PEXA platform. The same processes still apply as would normally apply to the lodgment of a paper document. For example, if required, a paper dealing must still be marked or stamped by Revenue NSW (see the [Revenue NSW website](#)) and an [eNOS](#) must be submitted. Duty verification will not be available in the PEXA workspace.

Over the counter service will still be available

Customers will still be able to lodge paper documents over the counter at NSW LRS using its “drop-and-go” service (see the [NSW LRS website](#) for more information). The COVID-19 residual lodgment process is just an alternative lodgment option.

Executing and witnessing paper dealings and plans

From 27 April 2020, paper land dealings and plans (including s88B instruments) may be signed and witnessed electronically. Certain documents (including deeds, agreements, powers of attorney, paper land dealings and plans (including s88B instruments)) may also be witnessed remotely by audio visual link. For the moment, these temporary measures are in place for 6 months. See our update on 30 April 2020 ([COVID-19: NSW allows certain documents \(including paper land registry dealings and plans\) to be witnessed remotely](#)).

Compliance with the NSW Participation Rules still required

Even though the COVID-19 residual lodgment process involves paper documents, a PEXA subscriber will still be required to ensure that he/she complies with the [NSW Participation Rules](#) for COVID-19 residual lodgments, e.g. the PEXA subscriber must still verify his/her client's identity and have a completed client authorisation form from his/her client. In this regard, see our update on 23 March 2020 ([Does the COVID-19 outbreak affect e-conveyancing VOI checks?](#)). See also the checklist [Sales and purchases – Checklist for verification of identity \(VOI\)](#) and the precedent [Electronic Conveyancing – Client Authorisation](#).

NSW LRS – electronic responses to requisitions

From 11 May 2020, NSW LRS' customers and lodging parties will be able to respond electronically to requisitions raised by NSW LRS through a temporary *COVID-19 Requisition Secure Upload Portal*, allowing requisitions to be satisfied without having to physically attend at NSW LRS. Notwithstanding, they will still be able to attend at NSW LRS' lodgment office to satisfy requisitions using its "drop-and-go" service (see the [NSW LRS website](#) for more information). This new portal will not be able to be used for plan requisitions – [ePlan](#) should be used for plan requisitions. For more information, including for information on how the portal will work, see NSW LRS' relevant [information sheet](#).

NSW LRS – virtual lodgment office

From 11 May 2020, a new "Virtual Lodgment Office" portal will also be created on the NSW LRS website allowing certain documents and correspondence to be lodged electronically, e.g. requests for urgency, consents, requests for reviews of requisitions etc. For more information on this new portal, see NSW LRS' relevant [information sheet](#).

For more information on all of the above changes, see the [NSW Registrar General's website](#) and the [NSW LRS website](#).