



NSW paper Certificates of Titles abolished October 2021

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As part of the transition to an entirely electronic conveyancing system, the NSW Government abolished all paper Certificates of Title in New South Wales on 11 October 2021. The details recorded electronically with the NSW Land Registry Services is now the ultimate record of land ownership in NSW.

What was a Certificate of Title?

A Certificate of Title (“CT”), also known as a title deed, was a formal legal document evidencing ownership of real property.

Ownership of houses, units, commercial or industrial property or farming property in New South Wales used to be evidenced by a paper CT. The CT was a printed document showing a title reference, the name(s) of registered proprietor(s) and any registered dealings such as a mortgage or a lease and affectations such as a right-of-way, an easement, a covenant or a caveat, to name a few.

How Certificates of Title were used

The original CT used to be required by NSW Land Registry Services (also known as the Land Titles Office) when registering documents that affected the title of your property. This included when registering the documents that finalise the transfer of the title of your property, or when selling your property.

The other common way that your CT may have been used in the past is to have it deposited with a lender (often a bank) when borrowing money against a property. The lender retained the CT as security for your mortgage. The lender would keep the original

as evidence of having an interest in your property after taking a mortgage over it. It would also provide the lender with control over what other documents were registered on title. For example, a bank would not want a second mortgage registered on title without their prior approval.

Non-bank lenders (such as the bank of Mum and Dad) may also have held the original CT as security for repayment of their loan, so the property would not be transferred or mortgaged without their knowledge.

Transition to electronic Certificate of Title

The transition to electronic CTs ("**eCT**") occurred over several years. Paper CT's that were held by banks as securities for mortgages were converted to eCTs much earlier than the 2021 statewide abolition of paper CTs.

The 2021 changes finalised the conversion of all paper CTs in the state, to eCTs.

If you still hold a paper CT issued before October 2021, it is now simply a piece of memorabilia.

Impetus for abolition of paper Certificates of Title

Historically, paper CTs have presented some of the following issues:

1. CTs were frequently lost, misplaced or damaged by property owners. The process of obtaining a replacement CT was burdensome, and required an application accompanied by evidence outlining what occurred to the original CT and what steps were made to locate the original CT. This was a relatively long, laborious and costly process as a result of misplacing a single page document.
2. CT's or older style title deeds were often [difficult for an executor of deceased estates to locate](#). This would add one extra process for an executor to have to complete when administering the estate.
3. If a paper CT fell into the wrong hands, then they could be used in fraudulent transactions. There have been numerous examples of criminals using fake identification documents to pass themselves off as the owners on title of a property and then borrow funds from a lender only to be never seen again.

Future of a Certificate of Title

The change to eCTs did not change your ownership of your property and evidence of your ownership of a property will still be recorded on the Torrens Title Register ("**the Register**"). For many property owners, the transition to eCTs had little noticeable effect for them.

Since 2021, all titles in the state became a virtual record in an electronic register called the Register, maintained by NSW Land Registry Services. Printed paper CTs lost their legal validity. If you sell your property in the future, it will be transferred to the new owner's name via a process of electronic conveyancing on the PEXA platform (Property Exchange Australia).

The change to eCTs presents an issue for non-bank lenders who hold the original CT but have not registered a mortgage on title to secure the loan. For these non-bank lenders, including any parents who have loaned money to their children, steps should be taken to ensure the loan is adequately secured.

Is your information on the Register correct?

Have you changed your name since you became a registered property owner, by marriage or by any other reason?

Have you updated your name on the Register managed by the NSW Land Registry Services?

Or perhaps the property is still in your or your spouse's maiden name?

It may be the time to make an application to update your name on the Register before paper certificates are no longer valid.

Get help from a property lawyer

E&A Lawyers are experienced in electronic conveyancing and can assist with selling or purchasing property, a refinance, a transfer of title or assisting you to update your name on the Register. Simply contact us today for a discussion and to obtain a quote.

This blog has been co-authored by estate planning and property lawyers, [Christopher Alfonso](#) and [Lauren Weatherley](#).

For more information to arrange a consultation with a lawyer, you can call or email us.

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