

Your Ref: 2012 02 17 Memo re NECS CT Solution

Our Ref: Property and Development Law Committee

15 March 2012

Ms Rosemary Budavari
Co-Director, Criminal Law & Human Rights
Law Council of Australia
19 Torrens Street
BRADDON ACT 2612

Dear Ms Budavari

NATIONAL ELECTRONIC CONVEYANCING: CERTIFICATE OF TITLE SOLUTIONS

I write in response to a request for comment from Acting Secretary-General of the Law Council of Australia, Ms Margery Nicoll, of 17 February 2012 relating to the Clayton Utz Report identifying and evaluating possible solutions for the New South Wales Government to fulfil the role of paper certificates of title for concurrent electronic and paper based conveyancing.

The Clayton Utz Report has been considered by the Society's Property and Development Law Committee, which has contributed to this response.

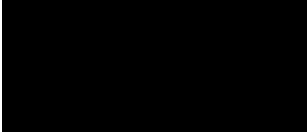
At present, in Queensland, paper certificates of title play a minor and diminishing role in our conveyancing practice. We do not envisage that the Queensland Registrar of Titles will support any reversal of this position in Queensland and note that this jurisdiction has not experienced the same issues which have led to the perceived need for the widespread retention of paper certificates of title in other jurisdictions.

Having said that, the Society supports uniformity of approach in systems given the essential objective of establishing a national e-conveyancing platform and given the occurrence of cross-border transactions. While we see uniformity as desirable, we do not envisage that this is an issue upon which a single national approach can be implemented at this time.

Our experience of electronic titles has indicated that a greater importance must be placed on objective identification of clients. We do not believe an approach which relies solely on possession of a physical certificate of title in lieu of appropriate evidence of identity is desirable.

Thank you for providing us with the opportunity to provide these comments. If you wish to discuss this matter further please do not hesitate to contact our Principal Policy Solicitor, Mr Matt Dunn, on [REDACTED] or via email on [REDACTED]

Yours faithfully



Dr John de Groot
President