



# A Brief History of the Records of the Registrar General

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This is one of five publications detailing searching and access to land titling records. The other titles in this series include:

- *First Stop Guide to the Records of the Registrar General*
- *Old System Information and Search Guide*
- *Torrens Title Information and Search Guide*
- *Searching the Registrar General's Maps and Plans*

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Information contained  
in this document was correct at  
time of publication, but may have  
been superseded

# 1 Introduction

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The records of Land and Property Information (LPI) support the titling, registration and valuation service requirements for New South Wales (NSW). LPI uses world class technology to store and provide easy public access to land information.

This information is essential for selling and buying property, surveying, mapping, land development, valuing, rating, taxing, and financial security purposes. The importance of these records cannot be overstated as they underpin billions of dollars of economic activity in the State every year.

Most recently these records have gained in popularity with ecological, historical and genealogical researchers, especially the early records which remain largely untouched by technology and contain valuable information.

LPI is mindful of the wealth of historic material held for the people of NSW. As well as underpinning the economic stability of the State these historical treasures can be seen as the tangible roots of our society and culture.

This publication has been prepared to:

- give a brief history of the Office of the Registrar General and the records it holds
- describe how land was initially distributed and consequently managed.

For more practical information on how to search the historical and contemporary records please see the other publications in this series.

As much of the terminology is unique, you may find the Glossary of Terms and the LPI Acronym list in the *First Stop to the Records of the Registrar General* useful. For additional information, the Registrar General's Directions website provides a comprehensive glossary see <http://rgdirections.lpi.nsw.gov.au>.

# 2

## Land title systems in New South Wales

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A land title system can be defined as the means by which ownership of land is recorded, registered and transferred. In NSW there are three land titling systems:

1. Crown land
2. Old System title (or common law)
3. Torrens title (or *Real Property Act*).

Approximately 50 per cent of land in NSW is Crown land leasehold (Western and Central Division) and almost 50 per cent is Torrens title (mainly Eastern Division). Only a small residue of Old System land remains, and efforts are underway to convert this to Torrens title.

### Crown land

According to English Law the land of an acquired colony belongs to the reigning monarch. This land is known as Crown land and this presumption was applied to NSW when Captain Arthur Philip proclaimed the new colony on 7 February 1788. On this day all land was claimed as the possession of the reigning monarch King George III.

The legal basis of the Crown's proprietary interests in the new colony was the doctrine of *terra nullius* and there were no rights recognised of the indigenous population.

An attempt by John Batman in 1835 to negotiate with tribal leaders for the purchase of land at what is now Melbourne was quickly voided by the administration. A later proclamation by Governor Bourke declared that the British Crown owned the entire land mass of Australia and that only the Crown could sell or distribute land.

Phillip was given the power and authority (among other things) to grant Crown land to convicts whose time had expired or to members of the military wishing to stay on in the colony. The land grants were to be evidenced by a document bearing a seal of the Territory and, having been officially recorded by an officer appointed by Phillip, were to be good and effectual in law against the Crown.

Since 1788 the Crown has managed the land in various ways ranging from free grant and freehold alienation, to short term leases and licences. It is important to note that all land remains Crown land unless alienated by grant, sale or resumption.

### Old System

Since the registration of the first grant of Crown land in February 1792 until the introduction of the Torrens Title System in 1863, land ownership in NSW was based on the English common law system of title known as 'Old System'.

To offer land holders some degree of confidence in their transactions, a system of registration was introduced in 1802. While registration was not compulsory, the advantages were soon recognised and so began the system of registration and indexing of registered dealings still in use today.

Unlike Torrens title (which is guaranteed by the State) Old System land title is a matter of quality. The title is good, but only if a better one cannot be established. In its perfect form, Old System title is a chain of evidence (known as a chain of title or chain of deeds).

In order to establish land ownership a searcher must collect and examine an unbroken chain of documents from the original Crown grant up to the present day. This includes all dealings and legal happenings that could affect the estate or interest of the land in question.



In Old System a separate deed (legal document) is prepared every time land is dealt with, whether subdivided, sold, leased or mortgaged. This means, as time passes, the number of documents requiring safe storage increases and the risk of documents being lost, damaged or destroyed increases.

In theory, determining proof of title (and therefore ownership) is established by possessing and presenting all the deeds relating to the land from the time of its first granting from the Crown. In practice, this is often difficult to achieve as it requires the time consuming task of finding, collecting and examining numerous deeds.

The *Conveyancing Act 1919* recognises the difficulties inherent in proving ancient title and introduced (with certain exceptions) a cut off period of 30 years 'good root of title' to prove ownership.

Old System also presents considerable problems for land owners when land has been subdivided (it was not mandatory to register plans of subdivision of Old System land prior to 1961), or when deeds have been lost.

Problems can further be compounded if deeds have not been registered. There has never been a statutory requirement to register deeds and distance, time and government fees dissuaded many people from doing so. This is despite the fact that registered deeds hold more weight in the civil court over a disputed land claim. Various attempts to void unregistered deeds over the years have all failed.

In short, Old System title is complicated, expensive, uncertain and is not guaranteed by the State.

For more information on Old System title please refer to the *Old System Information and Search Guide*.

## Torrens title

The Torrens Title System was introduced in NSW on 1 January 1863 to combat the problems of uncertainty, complexity and cost associated with Old System title. It's named after its originator, Sir Robert Torrens, who adapted the merchant shipping registration system into a simple method for land conveyancing.

Sir Robert Torrens was a landing waiter in the Port of London before migrating to South Australia in 1839 where he became Collector of Customs, member of the Legislative and Executive Council, Treasurer, Registrar General and the third Premier of South Australia. He championed land reform in 1857 and helped develop the titling system that bears his name.

The system was so effective it quickly spread to all the Australian states as well as New Zealand and has now been adopted in many countries around the world. Following its introduction, all land granted by the Crown has been subject to the provisions of the *Real Property Act 1862* which regulates the Torrens Title System.

Under the Torrens Title System the State maintains and, most importantly, guarantees the Torrens Title Register. Individual land transactions are mandatorily lodged with LPI using standardised forms (known as dealings) and the new owner is issued with a single document called a Certificate of Title (CT) which supports their ownership. The Torrens Title Register is maintained in the Integrated Titling System (ITS) by LPI.

A current Certificate of Title tells us the present state of the title. It contains:

- a land description of the land parcel(s) in the certificate
- a first schedule listing the owner or registered proprietor and the tenancy in which the land is held, the name in this schedule is guaranteed by the State
- a second schedule of all the registered interests affecting or benefitting the land e.g. mortgages, leases, rights of way.

Unlike an Old System deed, a Torrens title tells us the current state of ownership and lists any encumbrances affecting the land. All the recordings shown on these titles are guaranteed by the State of NSW.

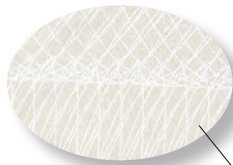
# Certificate of Title security features from February 2011

## Security Trustseal

The security Trustseal has a number of inbuilt features tailored specifically for LPI. It shows the NSW Coat of Arms and provides a high level of protection against the risk of counterfeiting. In addition the Trustseal cannot be removed from the security paper without recognisably damaging the paper. The security Trustseal appears at the top left of the Certificate of Title.

## Certificate Authentication Code

This randomly generated number acts as a unique document identifier. It can be verified on-line through the <http://shop.lpi.nsw.gov.au> or through information brokers [www.lpi.nsw.gov.au/land\\_titles/online\\_information/information\\_brokers](http://www.lpi.nsw.gov.au/land_titles/online_information/information_brokers).



## Fine line pattern

When observed through a magnifying glass, the micro-printed cheque screen background shows a clearly and sharply defined pattern of different sized dots and spaces. This appears in the middle of the certificate, in the area where the First Schedule is printed.

## End of certificate

The words 'END OF CERTIFICATE' are printed in capital letters under the notifications section to indicate the end of the text on the Certificate of Title.

## Paper specifications

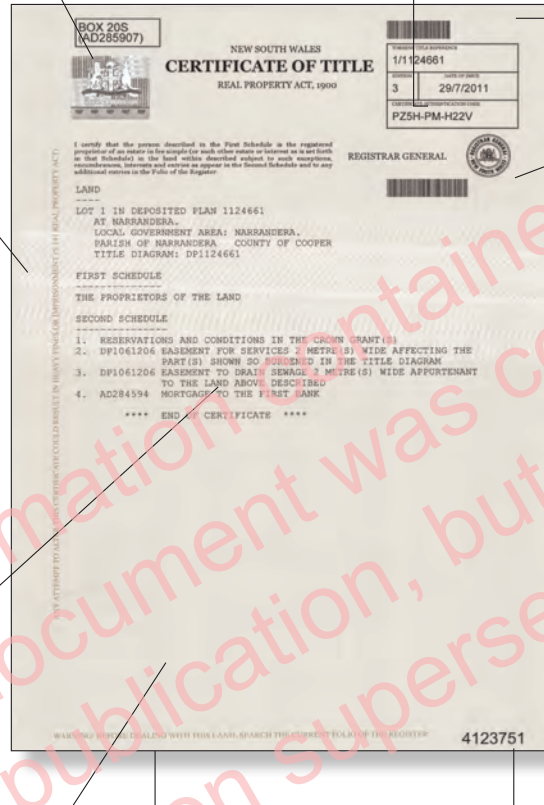
The security paper is 120gsm (grams per square metre) in weight and thickness.

## Sequential numbering

The colour of the sequential numbering in the bottom right hand corner of the Certificate of Title can be either black or red.

## Watermark

When an authentic Certificate of Title is held up to the light, a watermark is visible under the other printing. The watermark depicts a series of the NSW floral emblem, the waratah, diagonally placed within an outline of the State of NSW. The complete watermark appears multiple times throughout the Certificate of Title.



## Two barcodes

Barcodes on the Certificate of Title assist in processing efficiencies by reducing the need for manual entry of the Certificate Authentication Code and title reference by LPI staff. Both barcodes appear on the right hand side of the Certificate of Title.

## Certificate of Title printing

'Certificate of Title' is printed vertically in brown coloured ink on the left and right hand sides.

For more information on the Torrens Title System please refer to the *Torrens Title Information and Search Guide*.

# 3

## Background to the Office of the Registrar General

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Depending on the politics of the day, the responsibility for recording information related to land has shifted to and fro between various offices:

- the Colonial Secretary's Office (from 1788)
- the Judge Advocate's Office (until 1823) – the positions of Colonial Secretary and Judge Advocate were, at times, the responsibility of one person. It is therefore difficult to distinguish which 'hat' was being worn at the time of many early land registrations
- the Supreme Court (from 1823 to 1856).

In England in 1753 the British Parliament passed a law that made the legal registration of marriages in Britain mandatory although marriages must have been conducted in an Anglican Church.

In 1836 the British law was amended to allow marriages performed in other churches to be legally recognised. A registry to record non Anglican weddings was established and the office of Registrar General created as a central repository for records.

In January 1844, following the *Registration of Deeds Act 1843*, the first colonial office of the British Registrar General was established in Australia. Today, all records relating to land (current and historical) are the responsibility of the Office of the Registrar General and are administered by LPI.

### Changing responsibilities

The legislative council of the day also recognised the need to amend the laws relating to the registration of deeds and other instruments (legal documents) in NSW, and the *Registration of Deeds Act 1843* provided for the Office of the Registrar General to be established separately from the Supreme Court.

William Carter was appointed the first Registrar General and it was Carter's responsibility to enrol or register:

- Acts of the Colonial Legislature
- charters of incorporation
- memorials of public companies
- wills
- other instruments in writing of, and relating to, other property
- births, baptisms and burials.

Following the Act, all the existing records were transferred from the Supreme Court to the Registrar General and a system of lodging a fully sworn copy of a deed for binding in the General Register of Deeds was introduced.

Almost five years later, on 31 December 1849, the Office of the Registrar General fell victim to the financial and constitutional crises of the 1840s and was abolished. Its duties and responsibilities were transferred back to the Prothonotary of the Supreme Court.

The Office of the Registrar General was re-established on 1 January 1856 with Christopher Rolleston appointed Registrar General. The only function of the office at this time was to register births, deaths and marriages.

On 1 May 1857 the Office of the Registrar General became independent of the Supreme Court and moved to premises in Castlereagh Street. The responsibility for the registration of deeds was returned



to the Office of the Registrar General which was once again responsible for registering Acts of Parliament, deeds, and all other legal documents requiring to be registered.

All instruments, index books, documents, writings and duties of registration were transferred from the Prothonotary to the Registrar General at this time.

## Historical responsibilities of the Office of the Registrar General

Historically, the Office of the Registrar General has been responsible for the administration of many functions and records. These include:

Adoptions	1924-1975
Bankruptcies	1920-1972
Births, deaths & marriages	1843-1975
Brands	1867-1874
Business agents	1935-1957
Business names	1902-1962
Change of Name	1865-1996
Companies	1843-1961
Divorces	1873-1975
Legitimation	1902-1975
Newspapers printing presses	1925-1975
Patents	1897-1914 (patents library remained until 1916)
Registration of Bills of Sale	1925 to 2012
Registration of Stock Mortgages and Liens on Crops and Wool	1898 to 2012
Trade marks	1902-1907

LPI (and its predecessors) has introduced many different systems for recording information over the years which have either been improved or superseded entirely. A prime example is the gradual shift from manual to electronic record keeping which started with the Automated Land Titling System (ALTS) in 1983.

## Current responsibilities of the Office of the Registrar General

Today, the Registrar General has a service level agreement with LPI to provide continuing administration of the following functions:

- administration of the Torrens Title System of land registration (since 1863)
- the registration of plans (since 1863)
- the deed registration system (since 1843)
- the creation of Torrens titles (since 1863)
- the conversion of Old System land parcels to the Torrens Title System (since 1863)
- Crown land registration (since 1976)
- the registration of Causes, Writs and Orders affecting land (since 1920)
- the registration of Acts of Parliament (since 1843)
- the administration of the *Land Sales Act* (since 1975)
- public access to public registers including copying (since 1843)
- the Water Access Licence Register (since 2004).

# 4

## Old System records held by the Office of the Registrar General

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Although the Office of the Registrar General was established in 1843, it holds official records dating back to the establishment of the colony itself.

### The Grant Register and the Grant Index

As previously mentioned, by his commission dated 2 April 1787 and instructions dated 25 April 1787, Governor Phillip was given the power and authority of the Crown to grant sections of land to convicts whose time had expired or to members of the military wishing to stay on in the colony.

Land Grants were extended to free settlers in 1793. The land titling system that developed from this was based on the English common law system which is known today as Old System.

Phillip appointed David Collins as the Secretary of the Colony and gave him the responsibility for recording these grants. Collins began the first formal record – the Grant Register – in 1792.

A Grant Index was later developed to reference the grants which gave brief information such as the grantee's name and the location of the land. Grants continued to be recorded in the register and index until 1863 when the Torrens Title System was introduced.

Crown grants were issued as early as 1789, but doubts as to their validity (arising from the manner of sealing and lack of registration) brought about their re-call and re-granting.

The Grant Register contains a mix of hand written and typed grants ranging from six to a page to a single grant running to several pages. The earliest grants bore ordinary wax seals impressed with Phillip's signet ring because the Territorial Seal did not arrive in Sydney until September 1791.

The first Crown grant in the register was to former convict James Ruse on 22 February 1792 and is one of fifty grants bearing that registration date. He officially received the grant (of 30 acres at Rose Hill near Parramatta) in March 1791, but had occupied the land since 21 November 1789. There are a number of earlier dated grants in the Grant Register but Ruse's grant is the first entry in the register. The earliest dated grants were made on 3 January 1791 with eight grants on the Parramatta River and three on Norfolk Island.

### Land transactions

After the first Crown grants, land started to change hands in various ways (i.e. selling or inheriting) but there was no formal public record for these transactions. In some instances the transaction was recorded or endorsed on the actual land grant document, in others the grant was just exchanged for the mortgage or conveyance.

Lack of transport, distance, illiteracy and having no place to register transactions soon led to a large number of disputes regarding the ownership of land. This led to the establishment of the Court of Claims.

## The Old Register

The Judge Advocate commenced a register to record land transactions in 1802 (as a consequence of proclamations by Governor King in 1800 and 1802) in which parties were invited to record their dealings with land. The first entry in the register is the assignment dated 3 February 1802, by the Surveyor General Augustus Alt, of 'Hermitage Farm' to John Palmer. It was entered on 6 March 1802.

The first register also contains assignments and other legal instruments dating back to January 1794. A total of nine registers were created and are now known as the Old Register. They comprise the total recorded extracts or enrolments of dealings from 17 January 1794 to 15 May 1824.

On 18 January 1817 Governor Macquarie issued a proclamation which provided for the registration of all deeds and conveyances made and executed from and after 25 March 1817. He ordered that all deeds of property were to be registered and that any deed not registered after that date would be adjudged void by the Court (although this, and all subsequent attempts to void deeds, failed). The register that followed this proclamation was a continuation of the Old Register. It allowed for a system of memorials (or notations) to be extracted from the deed and entered under official stamp in the Judge Advocate's Office.

The Old Register also holds many entries which do not relate to land transactions and was re-indexed in 1856 (to exclude these entries) and the old index was apparently destroyed.

The present index has been expanded and takes in all entries in the Old Register. The first book of the Old Register contains only brief particulars and in many cases it is impossible to relate these to any known parcel of land.

The Judge Advocate's Office came to an end when a Charter of Justice was granted in 1823 by King George III, and the Supreme Court was established in its place.

## The General Register of Deeds, the Vendors Index and the Old System Purchasers Index

The General Register of Deeds was the first land registry in NSW and was established on 16 November 1825 under the *Registration of Deeds Act 1825*. It contains common law (Old System) deeds for land transactions.

The associated index to the general register is called the Vendors Index.

The Vendors Index is the operative index for all registrations in the General and Miscellaneous Registers and entries are made under the names of all persons granting or creating an estate or interest.

As its name implies, the Miscellaneous Register contains a wide variety of transactions including, Powers of Attorney, Changes of Name, and Appointments of Receivers.

From its commencement on 1 July 1920 until 10 March 1950 a separate Miscellaneous Index was maintained.

From that date until the close of the Register, on 30 June 1976, entries were indexed in the Vendors Index.

The *Registration of Deeds Act 1897* formalised the Old System Purchasers Index which commenced on 1 July 1896.

The Old System Purchasers Index was a manual index of persons acquiring or purchasing an estate or interest in land. Only items relating to land in the Vendors Index are indexed in the Old System Purchasers Index.

As well as the Vendors and Purchasers Indexes, other indexes created in subsequent years include the register of Causes, Writs and Orders, Bills of Sale and Register of Resumptions.

From November 1992, these indexes were incorporated in the General Register of Deeds under the new Automated Deeds Indexing System (ADIS) which allowed for the electronic processing and searching of records.

For more specific information relating to searching Old System records please see the *Old System Information and Search Guide*.



# 5 Register of Surrenders

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The Register of Surrenders is filed as Old System Register number 374. The register has been used to record copies of Memorials of Surrender to the Crown between the dates of 4 May 1833 to 22 February 1856.

Pages 2 to 320 of this register of 569 pages have been used to record copies of Memorials of Surrender plus an alphabetical index is bound at the front of the register while the remaining pages are blank. There are 119 entries in the alphabetical index, with some names relating to more than one page.

The surrenders are for various reasons. In one, the grantees name is wrongly spelt, so a surrender and reissue of grant in the correct name occurs. A lost grant and wills in a line of succession bring a surrender and reissue of a grant in the heirs name, one is for compensation and for public purposes such as the watch house at Kissing Point.

Governor William Bligh's grant at Parramatta by Governor King of part of the Government domain was surrendered (pages 78 - 83) in return for compensation for the regranting of the land by Governor Macquarie to expand the town on the west and to house the female factory.

The Register was much travelled between the Supreme Court, Colonial Secretary's Office and the Registrar General's Office as the responsibility for the Registering of Deeds fluctuated from office to office.

The first entry is entered at the Registrar's Office (Registrar of Deeds, Supreme Court) on 4 May 1833. Later entries document the changes in the office being responsible for the Registering of Deeds. Page 87 entry 17 September 1842 is entered by Registrar of the Supreme Court.

Entry page 97 of 23 August 1847 is received by William Carter, the first Registrar General (from 1843) and entered by the Colonial Secretary and Registrar.

Entry page 112 of 1 June 1849 is received by William Carter, the Registrar General and entered by the Colonial Secretary and Registrar.

With the abolition of the position of Registrar General on 31 December 1849 entry page 119 of 4 April 1850 is received by the Registrar of Deeds Supreme Court and entered by the Colonial Secretary and Registrar.

The last entry of 22 February 1856 is received by the Chief Clerk of the Supreme Court and Registrar of Deeds and entered by the Colonial Secretary and Registrar. The office of the Registrar General was revived by the *Registration of Births, Deaths and Marriages Act 1855 (19 Vic No 34)* and the position re-established on 1 January 1856.

The Registrar General's Office (RGO) opened 24 Castlereagh Street on 1 March 1856 and all subsequent surrenders were lodged and numbered as deeds if for Old System land and as a dealing if for Torrens title land.



# 6

## Torrens title records held by the Office of the Registrar General

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### The Torrens Register

The *Real Property Act 1862* paved the way for the revolutionary Torrens Title System which proved a vast improvement on Old System titling. The Torrens Register uses a single register page to record a land title, and all details and interests affecting the title appear on that register page. The commencement of the Torrens Register brought about the close of the Grant Register and the Grant Index.

Between 1863 and 1961 the Torrens Title Register consisted of the Old Form Bound Register (which consisted of fifty title Folios bound in a book with five books to a Volume). This was replaced in 1961 by the New Form Loose Leaf Register.

When LPI entered the electronic age in 1983, the register was held in the Automated Land Titles System (ALTS). ALTS was re-formatted in 1999 to become a component of ITS which is currently in use today.

### Torrens Title Purchasers Index

This index commenced with the Torrens System on 1 January 1863 and entries made after 1971 were incorporated into ITS in 2001. The index is in hard copy (book) form between 1863 and 1970 and was held on microfiche between 1971 and 2001.

The microfiche records are no longer available to the general public because the information has been converted to an electronic format which can be searched using ITS.

### The Dealings file

The file of Torrens title instruments registered with LPI since 1863 is known as the Dealings file. When registered, every dealing (transfer, mortgage etc) changes the information shown on the Title/Register and a new edition of the CT is created. (There are various exceptions to this including the registration of caveats, writs, and resumptions which are only endorsed on the Title/Register.) A new edition of the CT is then returned to the party who lodged or produced the CT for registration of the dealing.

All early series dealings are recorded on microfilm. All dealings registered after April 1997 (and a back file conversion of identified high use dealings) are held in the Document and Integrated Imaging System (DIIMS).

A project is underway to convert all 16mm roll microfilm to electronic images. This will make the whole Dealing file available for electronic distribution. All dealings registered after February 1984 are now available online.

For more specific information relating to searching the Torrens Title Register please see the *Torrens Title Information and Search Guide*.

# 7

## Other records held by the Office of the Registrar General

### The Index to Instruments Evidencing Changes of Name (1875 – 1967)

This index is a series of six books relating to documents evidencing changes of name in the Supreme Court.

They were transferred to the Registrar General in October 1925 when the provisions of the *Transfer of Records Act 1923* became operative (Book 1 only).

These books are now held by the Office of the Registrar General and include information about:

- deeds enrolled in the then Bills of Sale Section during the period 1 October 1925 to 30 June 1967
- deeds registered in the Miscellaneous Register during the period 22 July 1942 to 30 June 1967 (earlier registrations were indexed only in the Index to the Miscellaneous Register).



Index to instruments evidencing Change of Name

### The Miscellaneous Register

The Miscellaneous Register was constituted by regulation and published in Government Gazette No. 126 of 2 July 1920 in accordance with the *Conveyancing Act 1919*. It was discontinued on 30 June 1976.

As its name implies this Register contains a wide variety of transactions. The most important of these for land title searchers are Powers of Attorney, Changes of Name and Appointments of Receivers.

From 1920 to 1950 entries were indexed in a separate Miscellaneous Index.

From 1950 to 1976 entries were indexed in both the Miscellaneous Index and the Vendors Index.

### The Register of Causes, Writs and Orders (1920 – ongoing)

The Register of Causes, Writs and Orders (CWO) was established under Part 23, Section 185 of the *Conveyancing Act 1919* and commenced on 1 July 1920 for the purpose of registering:

- any writ or order affecting land, issued or made by a court
- any claim to an interest in the land which is the subject of a pending or incomplete lawsuit
- any order made by any court affecting the title to land; restricting the right of dealing with land, restricting the user of land or any buildings thereon or creating a charge over land
- any charge upon land (not being in respect of a rate or tax) imposed by or under the provisions of any Act of Parliament
- any order, award, determination or notification made under the provisions of any Act of Parliament of the State or Commonwealth by any statutory authority restricting the right of dealing with land or restricting the user of land or any buildings thereon.

The register contains entries of writs, court orders and other interests affecting a parcel of land. All CWOs have been redundant against Torrens title land since 1972, that is, they must be registered as a Torrens instrument against the nominated computer folio(s) to be effective.

Causes, writs, orders and statutory charges affecting land must be registered to be effective against a purchaser. So, for example, a purchaser would not be adversely affected by the vendor's bankruptcy unless the relevant court order had been registered.

### **Bankruptcy orders**

Bankruptcy orders were also entered into the CWO register until 1970. All have now been removed and searches are made at the Federal Magistrates Court or the Federal Court of Australia which have concurrent jurisdiction under the *Bankruptcy Act 1966*.

### Register of Resumptions (1930 – ongoing)

*The Conveyancing Act 1930* saw the introduction of the Register of Resumptions.

This register contains details of compulsory land acquisitions by the State, other authorities and the Australian Government. Although not affected by this direction, the Commonwealth Government often registers its acquisitions in the register. Particulars are indexed under the heading of the relevant Local Government Authority.

Manual indexing of this information ceased in 1992 with the commencement of the Automated Deeds Indexing System (ADIS).

### Automated Deeds Indexing System (ADIS) (1992 – 2000)

On 2 November 1992 the General Register of Deeds Index incorporated other non Torrens indexes such as Bills of Sale, Resumptions, Causes, Writs and Orders, Crop and Wool Liens and Stock Mortgages. The Automated Deeds Indexing System (ADIS) was also introduced and allowed for the electronic processing and searching of all these records after that date.

Between 1992 and March 1998 all deeds registered in ADIS were microfilmed. These microfilmed records have since been digitised and are available online. ADIS was redeveloped and incorporated as a component of ITS on 15 May 2000.

### Notice of Sale Data (1993 – ongoing)

Notice of Sale (NOS) documents are lodged with dealings or deeds that affect the change of ownership details of title to land. The information gathered from these forms is transmitted to various government authorities to update their records for rating, billing, taxing and other purposes.

The responsibility for the collection and distribution of NOS data was transferred to the Registrar General in 1993. Previously this responsibility was held by those parties dealing with the land (i.e. the buyer and seller).

The *Real Property Amendment (Land Transactions) Act 2009* took effect with the launch of eNOS (electronic Notice of Sale) on 12 April 2010. It includes a requirement for certification to the effect that eNOS is a registrable form and is correct for the purposes of the Act.

The *Real Property Act* has been amended to identify both electronic and paper NOS forms as registrable forms and both must be accurate and complete.

### Document and Integrated Imaging System (DIIMS) (1998 – ongoing)

From 1998 to the present day all documents are scanned as black and white multi page TIFF group IV images and stored in the Document and Integrated Imaging Management System (DIIMS).

### Integrated Titling System (ITS) (1999 – ongoing)

ITS is the electronic titling system that replaced the Automated Land Titles System ALTS (which was the first electronic titling system in the world). ITS automatically generates an up to date Certificate

of Title following any transaction related to the land. This includes notations of any unregistered dealings, plans or resumption actions. Reference to historical dealings can be found through a History of Title Transactions search.

## Index and Memorials of Liens on Crops and Wool and Stock Mortgages

A lien is the right to retain possession of another person's property pending the discharge of a debt to you for that property. A stock mortgage is a conditional conveyance of sheep, cattle and horses, their increase and progeny as security for the repayment of a loan.

Prior to the *Liens on Crops and Wool and Stock Mortgages Act 1898* which reinforced the need for specialised indexes and registers for Liens on Crops and Wool and Stock Mortgages any entry would have been entered in an earlier series of indexes.

Section 8 of the *Liens on Crops and Wool and Stock Mortgages Act 1898*, now repealed and replaced by the *Security Interests in Goods Act 2005*, provided that the Registrar General keep a separate alphabetical index of all registered liens on crops.

Regarding liens on crops, a lodging party was required to present the original instrument and a true copy together with the prescribed fee to the cashier, within 30 days of the date of making the instrument, who would allocate a deed number and the time of registration.

Section 9 of the Act provided that no lien on crops shall continue in force for more than one year after registration. It was practical to destroy the records on crop liens two years after registration. In practice a period of at least five years is allowed to elapse before both the liens and the indexes are destroyed. No index or memorial prior to November 1992 survives.

All liens on crops lodged since 2 November 1992 have been indexed in the Automated Deed Indexing System (ADIS) and may be searched in ITS.

Section 16 of the Act provided that the Registrar General keep a separate and distinct registry from year to year of all registered agreements for purchase of wool or advances thereon.

Section 17 provided that at the end of 12 months next after the expiration of the year for which any preferable lien on wool has been given, the Registrar General may destroy or cancel the same. In practice a period of at least five years is allowed to elapse before both the liens and the indexes are destroyed.

The Wool Index commencing 1974 to 1992 is still available for inspection in Queen Square and the 1890 index survives at State Records. All liens on wool lodged since 2 November 1992 have been indexed in the Automated Deed Indexing System (ADIS) and may be searched in ITS.

Regulation 31 of the *Conveyancing Act 1961*, provided that memorials of stock mortgages for registration shall be subject to the same regulation as are prescribed for the registration of instruments generally. It is required that stock mortgage memorials contain:

- the date of the stock mortgage deed
- the name of the mortgagor and mortgagee
- the consideration
- the number and description of mortgaged sheep, cattle and horses
- the brand or other distinctive marks
- the stations where the same are depasturing
- the name of the principal superintendant or overseer
- the name of the witness or witnesses.

The mortgage is presented for registration within 30 days after the date thereof.

The mortgage is given by an individual or individuals. (A mortgage given by a company should be registered pursuant to section 100 of the *Companies Act 1961*.)

The Registrar General's signature and seal were affixed to the original mortgage and the true memorial with the original mortgage being returned to the lodging party. The true memorial of the original stock mortgage is numbered and retained.

Section 16 of the *Liens on Crops and Wool and Stock Mortgages Act 1898*, was replaced by the *Security Interests in Goods Act 2005*. The new Act provided that the Registrar General keep a separate and distinct registry of the particulars of all registered mortgages of sheep, cattle and horses.

Stock mortgages may be extinguished when the amount of principal and interest due upon any stock mortgage is paid to the person or their agent, and a written receipt for the amount paid is given, signed by the person or their agent, acknowledging the payment in full in satisfaction of the mortgage.

The mortgagor, their executor, administrators, or assigns, may produce a copy of the receipt, verified by affidavit, together with the original receipt and the mortgage, in the Registrar General's office, to be registered.

The Act prescribed no time limit for a stock mortgage nor did it authorise the Registrar General to cancel or destroy such a mortgage. As many stock mortgages extend not only to sheep, cattle and horses mentioned therein but also to their increase and progeny, the bound memorials of all stock mortgages were to be retained and available for inspection.

The index of stock mortgages for the years 1843 to 1951 are available for inspection at State Records (CGS12998). The index of stock mortgages for the years 1952 to 1992 are available for inspection in Queen Square.

All stock mortgages lodged from 2 November 1992 have been indexed in the Automated Deed Indexing System (ADIS) and may be searched in ITS. The memorials of stock mortgages for the years 1843 to 1950 are available for inspection at State Records (CGS12997). Stock mortgage memorials registered since November 1992 have been imaged and are available in DIIMS.

Stock mortgages registered between January 1959 and October 1992 consisting of a total of 496 stock mortgage memorial books were destroyed on 14 August 2009. Authorisation was granted for stock mortgages to be sentenced for destruction in accordance with a General Disposal Authority under a Functional Retention and Disposal Authority approved by State Records.

### *The Security of Interests in Goods Act 2005 (SIGA)*

This Act was designed to simplify and modernise the registration procedures for security interests such as Bills of Sale, Stock Mortgages, Crop Liens, etc. SIGA repealed the *Liens on Crops and Wool and Stock Mortgages Act 1898* and the *Bills of Sale Act 1898*.

The Act was repealed with the commencement of the Commonwealth Personal Property Securities Register (PPSR) which commenced Monday 30 January 2012. The PPSR replaces existing State registers including LPI's Security Interests in Goods Register (SIGR), where bills of sale and agricultural goods mortgages relating to crops, stock, wool and aquaculture fish were previously registered.

SIGR continues to be available for search online, and images of SIGR deeds are available through the Online Shop <http://shop.lpi.nsw.gov.au>.



# 8 The Mapping Index

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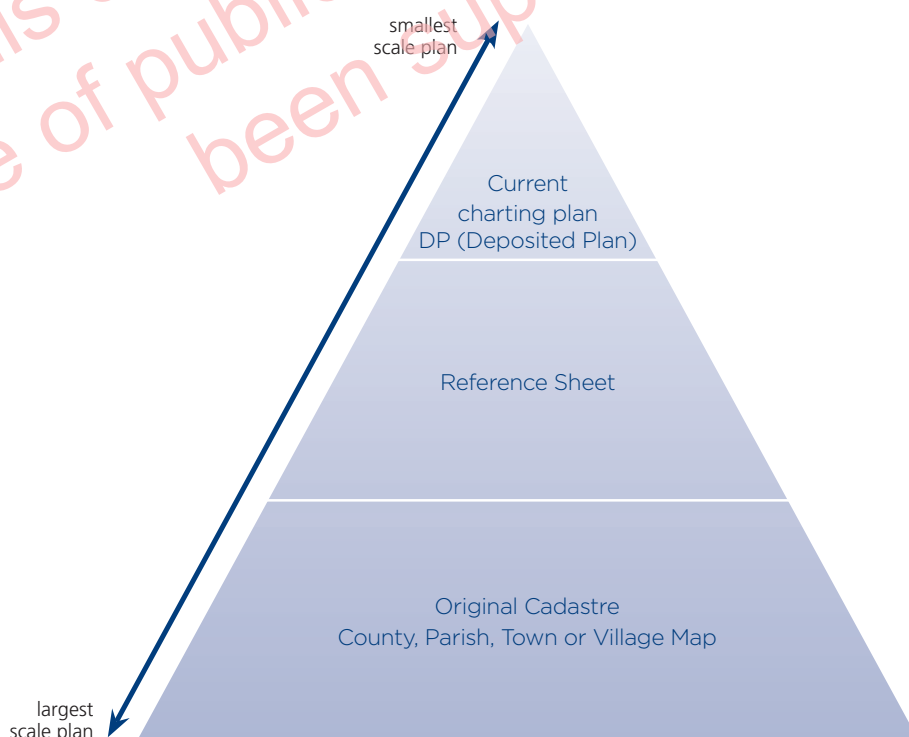
The Mapping Index comprises all the maps and plans that have been drawn up since the start of the colony. They can provide a fascinating historical snapshot as well as an essential search tool for researchers. Generally speaking, the terms 'map' and 'plan' can be used interchangeably, although it can be broadly said that while a plan shows dimensions, a map does not.

## What kind of information is noted on the paper maps?

- Official Search information (an *Official Search* is a legal document prepared by LPI which may be used as evidence in a court of law).
- Administrative information (locality, LGA, parish, county).
- Land descriptions.
- Grant details.
- Street names and localities.
- Title system (Torrens title, Old System or Crown tenure).
- Reference to original Crown survey plans.
- Details of conversion to Torrens title i.e. Primary Application, Conversion Actions or Official Search.
- Original Crown holding number, if applicable, at the date of issue of the map edition.
- Previous and subsequent plans of subdivision.
- Notation regarding gazettal action.

## The Pyramidal Mapping System

This is the original charting plan system where successive 'lodged' plans in turn became 'current' charting maps for the area they covered.



As Village or Parish Maps became congested they were divided into larger scale plans prepared by the Valuer General's Department (called VG Sheets). These were used for charting purposes and named and filed according to the local government area in which they were situated e.g. Hornsby Sh. 3, Sydney Sh. 103 etc. (Sh. stands for sheet).

Deposited plans became the charting map for subdivided areas on VG Sheets, Town or Parish Maps if they contained five or more lots. Deposited plans with less than five lots were not usually charting maps. (Deposited plans are plans prepared by certified surveyors when subdividing Torrens title land.)

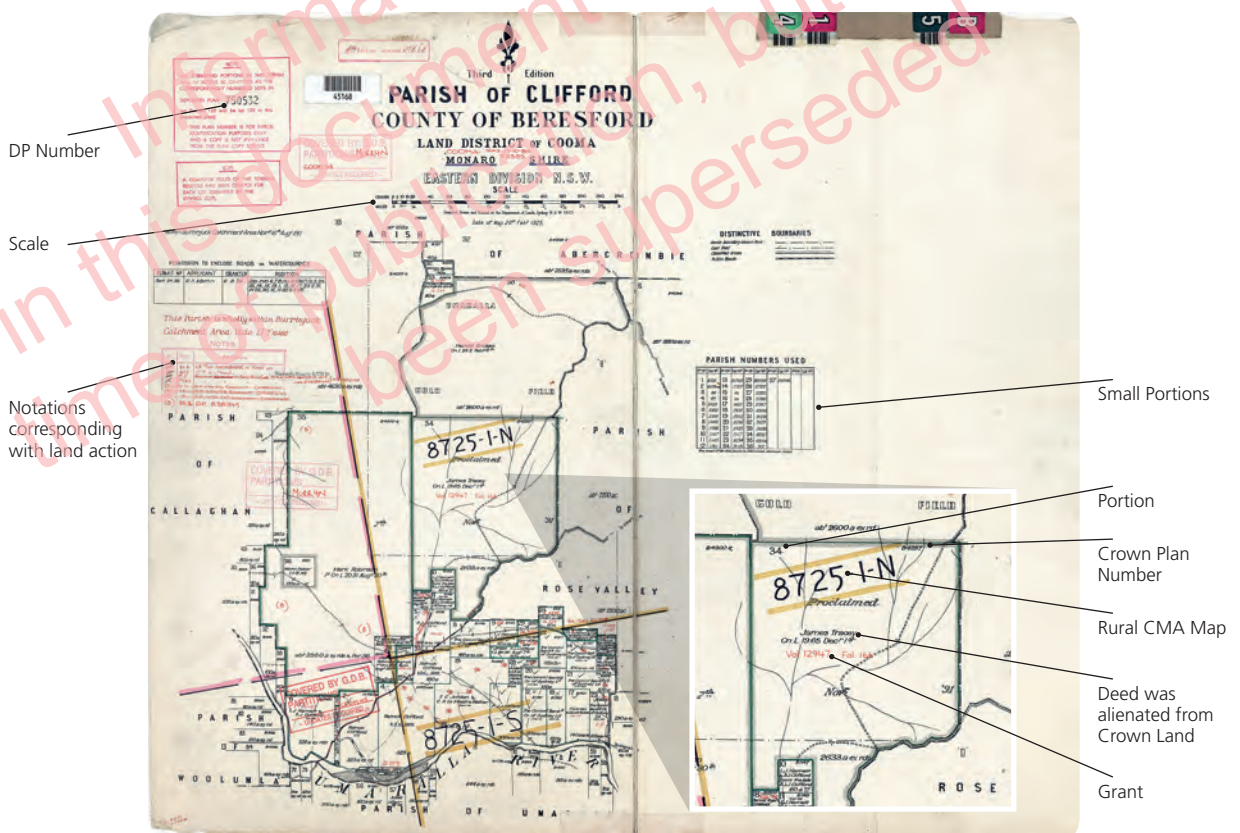
Inspecting a VG Sheet may reveal a subdivision represented by an early litho or roll plan which may be further subdivided by a deposited plan in the 200,000 series. At the time of each subdivision, the new plan representing it may have become the current charting map.

## Historical Mapping Index

### County, parish and town maps

By 1848, the State of NSW had been divided into the 141 counties still in existence today and these counties were further subdivided into parishes. County, parish and town maps show how the land has been sub-divided and were prepared from original survey plans of portions and roads etc. They also show the portion boundaries to features such as roads, rivers, railways and seashores. Parish maps show information relating to Crown grants and can be a useful starting point for researchers.

In areas of low sub-divisional activity, parish maps were not prepared and the county map remains as the base plan. This is the case in the vast majority of the Western Division of NSW. Larger scale maps of towns, villages and their environs, as well as sections of the City of Sydney, known as City Sections and New Grants, were also published and these show land subdivided into sections and allotments.



A parish map of Clifford in the County of Beresford

## Reference sheets

Reference sheets (up until the introduction of Central Mapping Authority sheets), covered most of the Sydney Metropolitan area as well as other more densely populated areas and were prepared by the former Valuer General's Department. Other reference sheets of a similar scale were prepared by the Old Cumberland County Council (called CCC Sheets), and various local government authorities.

Cadastral maps generally referred to as reference sheets, and being of a larger scale than Parish Maps, were prepared by government departments and public authorities such as local councils.

Manual changes to maps and plans ceased in September 2002 and notations are now recorded on the Digital Cadastral Database (DCDB) and Cadastral Records Enquiry (CRE).

## Central Mapping Authority (CMA) maps

The Central Mapping Authority (CMA) prepared a series of cadastral maps that were used as charting maps. Although the CMA is now part of LPI, the map sheets are still referred to as CMA Reference Sheets. These paper maps continued to be updated until September 2002 when they were converted to electronic images. The Cadastral Records Enquiry (CRE) now carries all notations and boundary updates since September 2002.

CMA maps showed the most up to date subdivisional pattern because they were amended every time a new deposited plan was registered. Superseded plans of survey were recorded for historical purposes by way of a note and new paper copies of the cadastral maps were printed periodically.

CMA maps were created in two series: the urban cadastral series and the rural cadastral series. Many county, parish and town maps in urban areas became index maps only to the CMA system. The urban cadastral map provided a comprehensive index to plans of survey definition, including reference to superseded plans.

The hard copy Mapping Index remains an integral component of the land records of NSW. It must be examined for evidence of historical subdivisions and notations charted and affecting the land prior to September 2002 as some of this information is still current.

## The Mapping Index today

All the paper maps and plans were colour scanned as a snapshot as at September 2002 and no longer have charting additions made to them. The electronic CRE complements these hard copy charting maps.

Searchers are required to search the title, the manual Mapping Index and the CRE to complete a full search of Torrens title land.

## Cadastral Records Enquiry (CRE)

From 1 July 2006, the CRE has provided an electronic means of making remote searches of the NSW cadastre as contained in the DCDB. The system displays a graphical location diagram and a list of electronic notations (affecting the section of land in question and the surrounding land) collected since July 2002.

Administrative details such as local government area, parish and county information are also displayed.

## The Digital Cadastral Database (DCDB)

The DCDB is a computer based index map of NSW developed by the Central Mapping Authority of the then Surveyor Generals Office, now part of LPI. The DCDB was commenced in 1985 and is constantly upgraded to show the legal land parcel fabric of the State and to improve survey accuracy.

For further information on how to search the Mapping Index please see the search guide *Searching the Registrar General's Maps and Plans*.

## Other plans and indexes

### Deposited plans

From the inception of the *Real Property Act 1862* proprietors were required to lodge a plan showing subdivided Torrens title land with the Office of the Registrar General. The *Local Government Act 1920* required all subdivisions to be endorsed by the local council prior to lodgment at the Office of the Registrar General. Since 1863 all plans of survey subdividing land must be signed by a certified surveyor. These plans are known as deposited plans.

Deposited plans show:

- survey information relating to the parcel(s) of land
- the dimensions (bearing and distance) of land
- the area of each new lot of land.

The lot and deposited plan number (e.g. Lot 1 DP 123456) form the title diagram reference number shown on the CT (e.g. 1/123456).

### Strata plans

Since 1961, legislation has provided for the subdivision of land into strata lots and common property. A strata lot is a lot defined in a plan lodged under strata scheme legislation.

A strata plan differs from conventional plans of subdivision in that it is not a plan of survey but, in effect, a series of floor plans illustrating the various units in relation to the whole building. It also includes lots wholly or partially inside a building, external lots (that maybe wholly or partially covered) and open space lots.

Strata plans are not charting maps and strata plans prepared after 31 May 2002 must be based on a plan of survey connected to survey control.

### Wells, Norton and Armstrong plans

These early plans bear the names of the nineteenth century surveyors who prepared and subsequently donated them to the office. They cover some of the oldest developed areas of NSW and have now been allocated an individual deposited plan number.

### Estate cards

Many Old System deeds refer only to estate names. The estate plans were often held in LPI as litho plans and have also been allocated deposited plan numbers. This card index cross-references the estate with the litho plan and the deposited plan number.

### Primary Applications

A Primary Application (PA) is the set of documents (or evidence) required to convert Old System (or common law) land to Torrens title (*Real Property Act*). PAs can provide a rich source of information to local or family historians searching a particular land title.

Until the early 1970s, the applicant (being the person who owns the land) was required to lodge with the application all deeds, documents and evidence necessary to support the title (normally back to the original Crown Grant) plus a plan of survey. This documentation was placed in a 'packet' known as the Primary Application (PA) packet.

Historically, when the Torrens title was issued the PA packet was retained permanently in the office of the Registrar General as evidence. This is now not the case, as it is inspected and returned to the client when the case is completed. Modern primary applications are therefore of little use to historical researchers.

Old PA packets are filed at the Government Records Repository (GRR) and are being progressively transferred to State Records as State archives. PA packets transferred to State Records can be inspected in the reading rooms at O'Connell Street, Kingswood.

The PAs stored at the GRR can be searched by lodging a request with the Off-Line Property Information Section, Queens Square, Sydney and paying a retrieval fee.

Original Primary Application documents (from PA 59601) have been progressively scanned and copies are available for purchase over the counter at LPI, Queens Square, Sydney or through the Online Shop <http://shop.lpi.nsw.gov.au>.

Some of the deeds and documents in a PA may never have been officially registered and the search may provide the only evidence that exists of a particular transaction occurring. They may also contain birth, death, marriage or baptismal certificates or a statutory declaration supporting a person's title to the land.

More information on PAs, including a searching index is available on Baseline [www.baseline.nsw.gov.au](http://www.baseline.nsw.gov.au).

In one successful case, a family historian uncovered a lengthy statutory declaration outlining five complete generations of a family showing dates of birth, marriage and death; number of children and whether alive or dead; whom the children married; and addresses where the current generation lived at the time of the declaration.

Not every search of a Primary Application will be as rewarding, but it is an avenue which should always be explored.

Information contained in this document was correct at time of publication, but may have been superseded



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## Crown land records

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### Holdings and tenure cards

The system of Crown tenures has varied over the years and the Crown Lands Division transferred all head office copies of Tenure cards for live tenures to the Office of the Registrar General in December 1975.

Prior to 1917, details of Crown holdings were recorded in registers (which are now held at State Records). In 1917, abbreviated details of all current holdings which had not been granted were transferred to a card system.

Tenure cards in the series which commenced in 1917 bear either a notation of subsequent grant issue, or a notation advising the transfer of the record to the next series of Tenure cards (which was established in 1975).

The Registrar General held both series of cards, which were transferred to his custody in 1975, to facilitate the integration of Crown holdings into the Torrens Title System. The key to the Tenure card system is the holding number and land district. These details are available from the charting map, the original Crown plan or the relevant Crown grant.

Public inspection of Tenure cards has been closed since December 2006 at the insistence of the Crown Lands division. All Tenure cards have now been transferred to State Records as State archives with privacy concerns limiting access for 30 years. The transfer was completed in December 2008. Information held on the District Office copy of Tenure cards and current information on holdings can be obtained on application from regional Crown lands offices.

Amendments to the *Crown Lands Consolidation Act 1913* and the *Real Property Act 1900* allowed for Torrens titles for Crown land to be issued in the then Land Titles Office without the need to first issue a Crown Grant. From this time the issuing of Crown grants ceased. Crown grants had been issued at the Office of the Registrar General between 13 October 1975 and 1 November 1981.

All leasehold Crown land and incomplete purchases were converted to Torrens titles prior to the introduction of the *Crown Lands Act 1989*. The conversion to Torrens title was carried out by the Land Titles Office using the Crown Tenure cards and the Holding Sequence Index. Any manual titles were subsequently converted to electronic titles and now, all current Crown leasehold land has electronic titles held in ITS.

The conversion of all live tenures in the Eastern and Central Division of the State was completed prior to 1 January 1986, with the Western Division following on and completed prior to 1 January 1987. This ended the notation of Tenure cards and they became a historic record.

All dealings with leases have to be registered in ITS, or in respect of licences in the Crown Lands Information Database (CLID).

Tenure cards still hold significant information for Native Title searching to determine if rights still exist or have been extinguished.

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## 10. Further information

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Further information can be found on the Registrar Generals (RGs) Directions website which provides an online guide to land title practice and procedures: <http://rgdirections.lands.nsw.gov.au>

It provides comprehensive information about legislative and other requirements relating to the preparation of plans and documents intended for lodgment and registration with LPI's Titling and Registry Services group.

You can access detailed information about requirements for deposited plans, strata schemes, community schemes, water access licence dealings, deeds and land dealings by clicking on the relevant header tabs of the site.

You can also use this website to access LPI publications, forms, news, land related products and services, changes to procedures, upcoming events, or to link to related websites and online services.

Although LPI does not provide an official searching service, LPI officers can provide general direction to assist those interested in searching LPI's records. Independent, professional land title searchers can also assist you with searching activities.

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## Useful links

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### **LPI website**

[www.lpi.nsw.gov.au](http://www.lpi.nsw.gov.au)

### **Online Shop**

<http://shop.lpi.nsw.gov.au>

### **Authorised Information Brokers**

[www.lpi.nsw.gov.au/land\\_titles/online\\_information/information\\_brokers](http://www.lpi.nsw.gov.au/land_titles/online_information/information_brokers)

### **SIX Maps**

[www.six.nsw.gov.au](http://www.six.nsw.gov.au)

### **Historical Land Records Viewer**

<http://images.maps.nsw.gov.au/pixel.htm>

### **Registrar General's Directions**

An online guide to land title practice and procedures and requirements relating to the preparation of plans and documents intended for lodgment and registration with LPI.

<http://rgdirections.lpi.nsw.gov.au>

### **Baseline**

This portal incorporates LPI's historical collections, cultural heritage sites and archival projects. The site has a number of FAQs relating to searching the records and archives of the Registrar General.

[www.baseline.nsw.gov.au](http://www.baseline.nsw.gov.au)

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