

Guide to residual dealings

A guide to the requirements for lodging a residual dealing in South Australia

New functionality has been introduced to enable the electronic lodgement of dealings which were previously not electronically tradable. These are known as 'residual dealings'. Residual dealings will continue to be introduced incrementally between September 2020 and March 2021.

The initial category of residual dealings available in South Australia will be one of the following:

- Record/Note an instrument or notation
- Remove/Discharge an instrument or notation

The table annexed to this User Guide details the residual dealings that can currently be lodged electronically in South Australia, and includes a summary of the requirements for each. This User Guide and annexed table will continue to be updated as additional functionality is introduced to allow the lodgement of additional residual dealings.

GENERAL REQUIREMENTS

Verification of Identity

When a Conveyancer or Solicitor represents a client, the Conveyancer or Solicitor is responsible for verifying their client's identity. For further information, refer to ARNECC Model Participation Rules Guidance Note 2 – Verification of Identity available at https://www.arnecc.gov.au/publications/mpr_guidance_notes

Evidence

Existing evidence requirements remain the responsibility of the Certifying Party, however in certain instances the production of evidence may be required with the lodgement of a residual dealing (e.g. a court order /certificate with a Cessation of Lien). In these instances, the evidence must be in PDF format and be uploaded into the electronic workspace to support the residual dealing.

Signing

Electronic dealings must be signed by an Electronic Lodgement Network (ELN) Subscriber.

A Client Authorisation is required to give the client's Conveyancer or Solicitor authority to sign the Registry Instrument or dealing on the client's behalf.

A Client Authorisation is required whenever a Conveyancer or Solicitor represents a client in a transaction. Where a Conveyancer or Solicitor is an employee of a Subscriber company and acting for their employer company under its Principal Subscriber account, they are exempt from providing the Client Authorisation Certification pursuant to section 273(2) of the *Real Property Act 1886*.

Please note that although a Certification is not required in this instance, the Practitioner must still obtain a Client Authorisation from their employer to act on its behalf. Evidence of a properly completed Client Authorisation will be required for any Compliance Examination conducted by Land Services SA.

For further information, refer to the ARNECC Model Participation Rules Guidance Note 1 – Client Authorisation available at https://www.arnecc.gov.au/publications/mpr_guidance_notes

Record/Note an Instrument or Notation

Name	Document Sub-Category	Subject Interest	Relinquishing Party	Receiving Party	Applicant	Other Party	Monetary	Date	Additional Details	Category Value	Duty	Evidence
NOTE A RETIREMENT VILLAGE	APPLICATION TO REGISTER / NOTE RETIREMENT VILLAGE PURSUANT TO SECTION 56 OF THE RETIREMENT VILLAGES ACT 2016 - Noting the fact that the within land is used as a Retirement Village	N/A	N/A	N/A	Mandatory	N/A	N/A	N/A	N/A	N/A	N/A	Consent (Optional – required where title is subject to a Mortgage, Charge or Encumbrance)
NOTE A RETIREMENT VILLAGE	APPLICATION TO REGISTER / NOTE RETIREMENT VILLAGE PURSUANT TO SECTION 56 OF THE RETIREMENT VILLAGES ACT 2016 - Noting the fact that the within land is to be used as a Retirement Village	N/A	N/A	N/A	Mandatory	N/A	N/A	N/A	N/A	N/A	N/A	Consent (Optional – required where title is subject to a Mortgage, Charge or Encumbrance)

Remove/Discharge an Instrument or Notation

Name	Document Sub-Category	Subject Interest	Relinquishing Party	Receiving Party	Applicant	Other Party	Monetary	Date	Additional Details	Category Value	Duty	Evidence
CANCELLATION/TERMINATION OF RETIREMENT VILLAGE	APPLICATION TO CANCEL ENDORSEMENT OF A RETIREMENT VILLAGE PURSUANT TO SECTION 56 OF THE RETIREMENT VILLAGES ACT 2016 - Signed by the Registered Proprietor(s)	Retirement Village	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	N/A	N/A	N/A	Statutory Declaration (Mandatory)
CANCELLATION/TERMINATION OF RETIREMENT VILLAGE	APPLICATION TO TERMINATE ENDORSEMENT OF A RETIREMENT VILLAGE PURSUANT TO SECTION 59 OF THE RETIREMENT VILLAGES ACT 2016 - Signed by the Minister	Retirement Village	N/A	N/A	Applicant (Mandatory)	N/A	N/A	Government Gazette Date (Mandatory)	Government Gazette Page (Mandatory)	N/A	N/A	N/A
CESSATION OF LIEN	CESSATION OF LIEN (WORKER'S LIENS ACT 1893) - Applicant(s) is the Registered Proprietor(s) of a title (Lienor failed to bring Action)	Lien being Ceased	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	N/A	Court Registry (Mandatory)	N/A	Search Certificate (Mandatory)
CESSATION OF LIEN	CESSATION OF LIEN (WORKER'S LIENS ACT 1893) - Applicant(s) is Prescribed Person on behalf of the Registered Proprietor(s) of a title (Lienor failed to bring Action)	Lien being Ceased	N/A	N/A	Applicant (Mandatory)	Lienee (all proprietors on title)	N/A	N/A	N/A	Court Registry (Mandatory)	N/A	Search Certificate (Mandatory)
CESSATION OF LIEN	CESSATION OF LIEN (WORKER'S LIENS ACT 1893) - Applicant(s) is the Proprietor(s) of an interest (Lienor failed to bring Action)	Lien being Ceased	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	Dealing Type (Mandatory) Dealing Number (Mandatory) *note this is the interest the Lien is registered over	Court Registry (Mandatory)	N/A	Search Certificate (Mandatory)
CESSATION OF LIEN	CESSATION OF LIEN (WORKER'S LIENS ACT 1893) - Applicant(s) is the Registered Proprietor(s) of a title (pursuant to Court Order)	Lien being Ceased	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	N/A	N/A	N/A	Court Order (Mandatory)
CESSATION OF LIEN	CESSATION OF LIEN (WORKER'S LIENS ACT 1893) - Applicant(s) is Prescribed Person on behalf of the Registered Proprietor(s) of a title (pursuant to Court Order)	Lien being Ceased	N/A	N/A	Applicant (Mandatory)	Lienee (all proprietors on title)	N/A	N/A	N/A	N/A	N/A	Court Order (Mandatory)

Remove/Discharge an Instrument or Notation

Name	Document Sub-Category	Subject Interest	Relinquishing Party	Receiving Party	Applicant	Other Party	Monetary	Date	Additional Details	Category Value	Duty	Evidence
CESSATION OF LIEN	CESSATION OF LIEN (WORKER'S LIENS ACT 1893) - Applicant(s) is the Proprietor(s) of an interest (pursuant to Court Order)	Lien being Ceased	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	Dealing Type (Mandatory) Dealing Number (Mandatory) *note this is the interest the Lien is registered over	N/A	N/A	Court Order (Mandatory)
REMOVAL OF CAVEAT	REMOVAL OF CAVEAT - Applicant(s) is all the Registered Proprietor(s) of a title	Caveat being Removed	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	Service of Notice Address (Mandatory)	N/A	N/A	N/A
REMOVAL OF CAVEAT	REMOVAL OF CAVEAT - Applicant(s) is one of the Registered Proprietor(s) of a title	Caveat being Removed	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	Service of Notice Address (Mandatory)	N/A	N/A	N/A
REMOVAL OF CAVEAT	REMOVAL OF CAVEAT - Applicant(s) is all the Proprietor(s) of an Interest	Caveat being Removed	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	Service of Notice Address (Mandatory) Dealing Type (Mandatory) Dealing Number (Mandatory) *note this is the interest the Caveat is registered over)	N/A	N/A	N/A
REMOVAL OF CAVEAT	REMOVAL OF CAVEAT - Applicant(s) is one of the Proprietor(s) of an Interest	Caveat being Removed	N/A	N/A	Applicant (Mandatory)	N/A	N/A	N/A	Service of Notice Address (Mandatory) Dealing Type (Mandatory) Dealing Number (Mandatory) *note this is the interest the Caveat is registered over)	N/A	N/A	N/A

Further Information

It is recommended that users consult Jessup's Land Titles Office Forms and Practice and/or Guidance Notes for further assistance when preparing residual dealings.

The information contained in this publication is a guide only and independent professional advice should be obtained.



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