

Exemptions for Electronic Lodgement

The Registrar-General has agreed that where one or more of the following circumstances apply, the dealing will be exempt from electronic lodgement and Land Services SA will accept the dealing lodged in paper.

Dealing is not Electronically Tradable

Dealings which fit one or more of the following circumstances are considered not electronically tradable and are exempt from electronic lodgement:

- Certificate of Title contains a condition other than the following:
 - o The land is to have a building erected on it in accordance with plans and specifications which must be approved by the Minister for the Environment and Natural Resources before any such erection is commenced and shall not erect on the land any premises without the consent in writing of the said Minister
 - o Except and reserved to the Crown the right to resume for road set forth in Land Grant
 - o Subject to the reservations provisions and conditions still subsisting and capable of taking effect contained in Land Grant
- Party on the Title has a capacity of Minor or Trustee (under the Trustee Act 1936)
- Transaction over a Crown Lease, Crown Record, Moiety Title, Share Title, Limited Title, Company Title, Life Estate, Remainder Title or Qualified Title
- Dealings affecting more than 20 Certificates of Title which cannot be separated
- The Electronic Lodgement Network (ELN) is not available and has not been available for one clear business day
- Dealing is lodged in series with a non-mandated dealing
- Transaction is cross jurisdictional and there is no ELNO available in another jurisdiction.
- Dealing picking up on unregistered division dealing, unregistered proprietorship dealing, or unregistered dealing issuing new Certificates of Title
- Series creating and then dealing with the same instrument, e.g. Mortgage and Transfer of same Mortgage, Lease and Underlease of same Lease

The above applies to all categories of electronic lodgements, including mandated and residual dealings.

Constraints for Mortgage, Discharge of Mortgage and Transfer of Mortgage

The mandatory electronic lodgement of a MORTGAGE dealing will not apply when:

- Mortgaging part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Mortgaging the interest of one (or more, but not all) of the Registered Proprietors (e.g. a tenant in common or a joint tenant)
- Mortgaging a Subsidiary Interest (e.g. Mortgagee, Lessee etc.)
- Mortgaging the interest of a Minor
- It is a Mortgage (justification for change of mortgagor name) (M:CN) where justification(s) does not apply to all certificates of title being secured.

The mandatory electronic lodgement of a DISCHARGE OF MORTGAGE dealing will not apply when:

- Releasing part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Releasing part of the money
- Releasing less than all Mortgagees' Interests
- Releasing the undivided share and/or the personal liability of one of the Mortgagors
- An execution is required by the Minister under Section 146 of the Real Property Act 1886
- A Mortgagee is a deregistered company, and execution is required by ASIC.

The mandatory electronic lodgement of a TRANSFER OF MORTGAGE dealing will not apply when:

- Transferring a mortgage over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Transferring less than all Mortgagees Interests.

Constraints for Caveats and Withdrawal of Caveats

The mandatory electronic lodgement of a CAVEAT dealing will not apply when:

- A plan identifying portion of land being caveated or attachment accompanies the caveat
- Caveating part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Caveating a Subsidiary Interest (e.g. Mortgagee, Lessee etc)
- The dealing involves multiple Caveators not represented by a single Subscriber
- The claim is not available electronically.

The mandatory electronic lodgement of a WITHDRAWAL OF CAVEAT dealing will not apply when:

- Releasing part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- The dealing involves multiple Caveators not represented by a single Subscriber.



Constraints for Encumbrance, Discharge of Encumbrance and Transfer of Encumbrance

The mandatory electronic lodgement of an ENCUMBRANCE dealing will not apply when:

- Encumbering part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- The Encumbrancer has changed their name.
- Multiple Encumbrancees represented by separate subscribers.

The mandatory electronic lodgement of a DISCHARGE OF ENCUMBRANCE dealing will not apply when:

- Releasing part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- An Encumbrancee is a Deregistered Company, and execution is required by ASIC.

The mandatory electronic lodgement of a TRANSFER OF ENCUMBRANCE dealing will not apply when:

- Transferring an encumbrance over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Transferring less than all Encumbrancees' Interests.

Constraints for Transfers

The mandatory electronic lodgement of a TRANSFER dealing will not apply when:

- Transferring part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- It is a transfer that results in the issue of a new certificate of title
- Creating a Life Estate and/or an Estate in Remainder
- An attachment is required (e.g. Order of Court, Minister's Consent etc)
- An execution is required by a person other than the Registered Proprietor (e.g. Court Officer for Family Disputes)
- It is a transfer for the non-payment of rates and taxes
- Dealing with shares where an Executor remains on the Title
- There is multiple Stamping for Qualifying Land under the Section 14(2) of the Stamp Duties Act 1923
- The transaction or chain of transactions involves transactions or obligations outside of the Register (e.g. includes a Water Licence)
- Transfer of land to a registered mortgagee or lessee to effect merger



- Multiple Transfers of the same part tenancy (share), in the same CT, in series.
- Multiple Transfers of different part tenancies (shares), in the same CT, in series.
- Transfer to a protected person under Aged & Infirm Persons' Property Act 1940
- Transfer to a protected person under Guardianship & Administration Act 1993

Constraints for a Transmission Application

The mandatory electronic lodgement of a TRANSMISSION APPLICATION dealing will not apply when:

- An Estate in Remainder is affected
- Transmitting a Subsidiary Interest (e.g. Mortgagee, Lessee etc)
- The Applicant is also the Registered Proprietor who holds the whole of an Estate or Interest in different capacities as regards the same Certificate of Title, and it is intended to show the Registered Proprietor separately for each share held.
- The Transmission Application of a share is in series with another Transmission Application of a share over the same Certificate of Title.

Constraints for Application to Register Death

The mandatory electronic lodgement of an APPLICATION TO REGISTER DEATH dealing will not apply when:

- Registering the death of the proprietor of a Subsidiary Interest (e.g. Mortgagee, Lessee etc)
- The Application to Register Death is preceded by any Proprietorship type dealing (including another Application to Register Death by Survivor).
- The deceased proprietor is registered as regards a part tenancy (share)
- The deceased proprietor holds WITH NO SURVIVORSHIP

Constraints for Lease, Underlease, Surrender of Lease, Surrender of Underlease, Transfer of Lease and Transfer of Underlease

The mandatory electronic lodgement of a LEASE dealing will not apply when:

- There are multiple Lessees being represented by different Subscribers
- Lessor has changed their name
- It is a Lease by Mortgagee under Section 137 of the Real Property Act 1886.



The mandatory electronic lodgement of a UNDERLEASE dealing will not apply when:

- Underlessor has changed their name.

The mandatory electronic lodgement of a SURRENDER OF LEASE dealing will not apply when:

- It is a Surrender of Lease under Section 121 of the Real Property Act 1886.

The mandatory electronic lodgement of a SURRENDER OF UNDERLEASE dealing will not apply when:

- It is a Surrender of Underlease under Section 121 of the Real Property Act 1886.

The mandatory electronic lodgement of a Transfer of Lease dealing does not apply.

The mandatory electronic lodgement of a Transfer of Underlease dealing does not apply.

