

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 (including Partial Discharge of Mortgage) Transfer of Mortgage and Extension 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
- 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.
- Mortgage being transferred is unregistered and is intended to be lodged in series

The mandatory electronic lodgement of an EXTENSION OF MORTGAGE dealing will not apply when:

- Mortgage being extended is unregistered and is to be lodged in series

Constraints for Caveats, Withdrawal of Caveats (including Partial Withdrawal of Caveats) and Removal 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)
- Partial Withdrawal over part of the land in a Certificate of Title (e.g. rights and liberties)
- The dealing involves multiple Caveators not represented by a single Subscriber

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

- Removal over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Executor or Administrator applying on behalf of a deceased caveatee

Constraints for Encumbrance, Discharge of Encumbrance (including Partial Discharge of Encumbrance), Transfer of Encumbrance and Extension 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)
- 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

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

- Encumbrance being extended is unregistered and is intended to be lodged in series



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
- 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:

- 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,(including Partial Surrenders of Lease and Underlease), Transfer of Lease, Transfer of Underlease, Extension of Lease and Extension of Underlease

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

- There are multiple Lessees being represented by different Subscribers
- 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:

- Lease being under leased is unregistered and is intended to be lodged in series

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 will not apply when:

- Transferring less than all of the Lessees interests.
- Lease being transferred is unregistered and is intended to be lodged in series

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

- Transferring less than all of the Underlessees interests



- Underlease being transferred is unregistered and is intended to be lodged in series

The mandatory electronic lodgement of an EXTENSION OF LEASE dealing will not apply when:

- Lease being extended has one day until expiration
- Lease being extended about to expire, and expiry date falls on weekend or public holiday.
- Lease being extended is unregistered and is intended to be lodged in series

The mandatory electronic lodgement of an EXTENSION OF UNDERLEASE dealing will not apply when:

- Underlease being extended has one day until expiration
- Underlease being extended about to expire, and expiry date falls on weekend or public holiday
- Underlease is unregistered and is intended to be lodged in series.

Constraints for Change of Name

The mandatory electronic lodgement of a CHANGE OF NAME dealing will not apply when:

- Correcting given name/surname split or order
- Company changing, correcting, or updating the ACN

Constraints for Land Management Agreements, Heritage Agreements, Rescission of Agreements and Termination of Agreements

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

- Agreement is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Agreement is under the Forest Property Act 2000

The mandatory electronic lodgement of a RESCISSION OR TERMINATION OF AN AGREEMENT dealing will not apply when:

- The Rescission or Termination is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)

Constraints for Bankruptcy

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

- The Application is pursuant to Deed of Assignment executed under the *Bankruptcy Act 1966*
- The Application is pursuant to Section 91 of the *Bankruptcy Act 1966*



Constraints for Order of Court, Notice of Charge and Discharges of Miscellaneous Advance/Charge/Order of Court

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

- The Court Order is for any purpose **other** than pursuant to section 8 of the *Enforcement of Judgments Act 1991*
- The mandatory electronic lodgement of a Discharge of Advance/Charge/Order of Court dealing will not apply when:
 - The Discharge is for any purpose **other** than discharging an Order of Court pursuant to section 8 of the *Enforcement of Judgments Act 1991*

Constraints for Liens and Withdrawal of Liens (including Partial Withdrawal of Liens)

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

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

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

- Withdrawal over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Partial Withdrawal over part of the land in a Certificate of Title (e.g. rights and liberties)
- The dealing involves multiple Lienors represented by separate subscribers.

Constraints for Retirement Village and Cancellation of Retirement Village

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

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)

The mandatory electronic lodgement of a CANCELLATION OF RETIREMENT VILLAGE dealing will not apply when:

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- The Cancellation of Retirement Village is regards portion of the land in a Certificate of Title

Constraints for Notice of Charge

The mandatory electronic lodgement of a NOTICE OF CHARGE dealing will not apply when:

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Charge under s139ZN and 139ZR of Bankruptcy Act 1966

Constraints for Warrants of Sale and Withdrawal of Warrants (including Partial Withdrawal of Warrants)

The mandatory electronic lodgement of a WARRANT OF SALE dealing will not apply when:

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)

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

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Partial Withdrawal over part of the land in a Certificate of Title (e.g. rights and liberties)

Constraints for Covenant and Discharge of Covenant

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

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)

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

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)

Constraints for General Application

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

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- The dealing is for the Cancellation of Retirement Village over portion of land in a Certificate of Title

Constraints for Power of Sale

The mandatory electronic lodgement of a POWER OF SALE dealing will not apply when:

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)



Constraints for Re-Entry of Lease and Re-Entry of Underlease

The mandatory electronic lodgement of a RE-ENTRY dealing will not apply when:

- The dealing is over part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)

