



Exemption No 00001

LOGDMENT OF CERTAIN REGISTRY INSTRUMENTS BY ELN EXEMPTION

Western Australia
Regulation 8C Transfer of Land Amendment Regulations 2017

Title

This instrument is Exemption No 00001 granted under Regulation 8F of the *Transfer of Land Amendment Regulations 2017* (Amendment Regulations).

Enabling Provisions

- 1 The Amendment Regulations amend the *Transfer of Land Regulations 2004* (Regulations).
- 2 The Amendment Regulations were published in the *Gazette* on 24 November 2017 and came into operation on 27 November 2017.
- 3 Regulation 8C(1) of the Regulations provides that, if a registry instrument can be lodged by means of an electronic lodgment network (ELN) provided and operated under the *Electronic Conveyancing Act 2014*, it must not be lodged otherwise than by means of an ELN.
- 4 Regulation 8G(2) of the Regulations provides when Regulation 8C(1) commences to apply to lodging certain registry instruments, as follows:
 - (a) for an instrument that may be lodged for the purpose of mortgaging an estate or interest in land or discharging the mortgage of an estate or interest in land – 1 December 2017; and
 - (b) for an instrument that may be lodged for the purpose of transferring an estate or interest in land or getting a caveat noted or its noting withdrawn – 1 May 2018.
- 5 Regulation 8F(1) of the Regulations permits the Registrar to exempt a person or a class of person from complying with Regulation 8C(1) if the Registrar is satisfied that it is in the public interest to do so and that not to do so would result in one or more persons suffering hardship, undue inconvenience or undue expense.
- 6 Furthermore, Regulation 8F(2) of the Regulations permits the Registrar to grant an exemption by reference to a class of registry instrument or conveyancing transaction.

Affected Rule

Regulation 8G(2)(b) of the Regulations.

Explanatory Statement

- 1 Under Regulation 8G(2)(b) of the Regulations, instruments for the purpose of transferring an estate or interest in land or getting a caveat noted or its noting withdrawn must be lodged by means of an ELN from 1 May 2018.
- 2 Following industry feedback received by Landgate during eConveyancing sessions, the Registrar is satisfied that it is in the public interest to issue an exemption until 1 December 2018 in respect of the lodgment of instruments for the purpose of transferring an estate or interest in land or getting a caveat noted or its noting withdrawn by means of an ELN, and is further satisfied that not to do so would result in one or more persons suffering hardship, undue inconvenience or undue expense.

Exemption

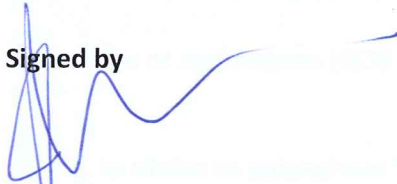
The Registrar grants an exemption from the requirement under the Regulations to lodge instruments for the purpose of transferring an estate or interest in land or getting a caveat noted or its noting withdrawn by means of an ELN until 1 December 2018.

Commencement

The Exemption commences on the date specified below.

Date 12 April 2018

Signed by



**Jean Villani
Registrar of Titles**