

Registrar of Titles Requirements

Mandate Lodgement Practices for Certain Discharge and Mortgage Documents

The Registrar of Titles determines these Requirements under section 182A of the *Transfer of Land Act 1893*.

Requirements

- 1.1. A discharge of mortgage document properly executed and lodged for registration with no other documents for the same certificate(s) of title, must be lodged by the mortgagee, or their conveyancer, lawyer or lodging agent.
- 1.2. A mortgage document properly executed and lodged for registration with no other documents for the same certificate(s) of title, must also be lodged by the mortgagee, or their conveyancer, lawyer or lodging agent.
- 1.3. A discharge document referred to at 1.1 must be lodged by the mortgagee or their conveyancer, lawyer or lodging agent through an Electronic Lodgement Network (ELN) such as Property Exchange Australia (PEXA), if the mortgagee to the discharge of mortgage document is an Authorised Deposit-taking Institution (ADI) as described in the Banking Act 1959 (Cwlth).
- 1.4. A mortgage document referred to at 1.2 must be lodged by the mortgagee or their conveyancer, lawyer or lodging agent through an Electronic Lodgement Network (ELN) such as Property Exchange Australia (PEXA) if:
 - the mortgagee to a mortgage document is an Authorised Deposit-taking Institution (ADI) as described in the *Banking Act 1959* (Cwlth);
 - and
 - the mortgage to a mortgage document is a mortgage for the purpose of the National Credit Code, as described in the *National Consumer Credit Protection Act 2009* (Cwlth).
- 1.5. If the ELN is unavailable for at least one business day requirements 1.3 and 1.4 do not apply

Effective Date

The effective date of these Requirements is 1 August 2016.