

July 2017

Electronic lodgement of land transfer documents

From it first being discussed in the 1980s to a Council of Australian Governments' decision in 2008, Landgate has been steadily moving towards electronic lodgement of land transfer documents, or e-conveyancing.

Since a platform to enable e-conveyancing did not exist, Landgate has worked with stakeholders to develop electronic conveyancing as an initiative to increase productivity, improve the security and integrity of land tenure information, and bring the conveyancing industry into the digital age.

In 2014, Landgate received its first transaction via the Electronic Lodgement Network Operator, PEXA. Since then Landgate has made mortgages and discharges of mortgage, caveats and withdrawals of caveats, and transfers possible electronically.

To achieve the greatest efficiencies, the system needs as many people as possible using it. Thus, the Registrar of Titles, on legal advice, will require the electronic lodgement by regulation of:

- all eligible mortgages, discharges of mortgages and refinances from 1 December 2017
- all new eligible documents including transfers, caveats and withdrawal of caveats and any lodgement case consisting of eligible discharges, transfers, mortgages, caveats and withdrawal of caveats must be lodged electronically from 1 May 2018. In-flight transactions won't be affected by the regulations.

The WA model participation rules govern e-conveyancing and are an important starting point for those not yet registered and transacting. See arnecc.gov.au.

Here's how to determine whether your transaction is eligible:

Transfers

Is there a contract of sale or a written agreement involved?	✓
Is it dealing on the whole of the land?	✓
Is the consideration monetary, gift or natural love and affection?	✓
Can the duty be assessed via Revenue Online (ROL)?	✓
Are all parties to the deal eligible subscribers?	✓
Does the Certificate of Title validation in PEXA allow for that Certificate of Title to be electronically transacted?	✓

Caveats

Is it over the whole of land?	✓
Does it apply to all registered proprietors?	✓
Are you representing all caveators?	✓
Does the Certificate of Title validation in PEXA allow for that Certificate of Title to be electronically transacted?	✓

Withdrawal of caveats

Is it over the whole of land?	✓
Are you representing all named caveators in withdrawal?	✓
Name must be the same or justified to be the same.	✓
Does the Certificate of Title validation in PEXA allow for that Certificate of Title to be electronically transacted?	✓

Our journey towards 100% digital

Release one

December 2017

All
Mortgage
Discharge of mortgage
Refinance

(Affects banks and financial institutions principally)

Transition
period

Release two

1 May 2018

Transactions singly and in combination

Mortgage
Discharge of mortgage
Transfer
Caveat
Withdrawal of caveat

(Transactions commenced after 1 May)

More information at arnecc.gov.au, pexa.com.au or
call customer service +61 (0)8 9273 7373 or
email paperlessconveyancing@landgate.wa.gov.au

landgate.wa.gov.au

