

## Eligible documents for paperless conveyancing

This document is to assist parties using the Electronic Lodgement Network (ELN). Not all titles and document types are supported in the ELN. Eligible transactions that can be completed via electronic conveyancing will meet the criteria as listed.

This document is correct at 16 March 2020 and will be updated as new functionality is added to the electronic lodgement network in future releases.

### Title scope

- title must not be manual
- title must not have unstructured text in the tenancy type detail – e.g. Life Estates
- title must not be cancelled or superseded
- titles on Cocos (Keeling) and Christmas Island are excluded
- titles where the name of the mortgagee cannot be returned are excluded

## Document types

### Caveat

- if a party in the transaction is considered an incapable person pursuant to a State Administrative Tribunal order, the SAT order and statutory declaration must be uploaded and attached with the document
- if the caveat is over part of the land the land description must clearly state the part caveated, such as “part of Lot 1 on Plan 12345 as shown hachured on the attached plan”. Any plan or sketch must be uploaded and attached with the caveat.
- all caveators named in the caveat must be represented by the same subscriber
- if the caveat is over Crown land, and consent is required, the consent must be able to be attached in the ELNO
- if a party to the document is a company, the status of the company must be “registered” (e.g. not in receivership, not in liquidation etc)

### Withdrawal of caveat

- if a party in the transaction is considered an incapable person pursuant to a State Administrative Tribunal order, the SAT order and statutory declaration must be uploaded and attached with the document

- a withdrawal of caveat must not include a removal of caveat by a party that is not a caveator
- withdrawal of caveat must cover all the land in the caveat
- all caveators named in the withdrawal of caveat must be represented by the same subscriber
- the name of the caveator represented must be the same or justified to be the same as the caveator on the title.
- if a party to the document is a company, the status of the company must be “registered” (e.g. not in receivership, not in liquidation etc)

## Transfer

- a transfer does not include mortgagees exercising power of sale, transfer of an interest, transfer under property (seizure and sale) order or transfer for sale for rates
- transfer must include all the land described in a title
- all registered proprietors must be named as transferors
- all titles included in the transfer must have the same transferors and the same tenancy
- the name of the transferor must be the same or justified to be the same as the registered proprietor
- the transfer must have a consideration type that is either monetary, desire to make a gift, or natural love and affection
- the transfer must be pursuant to a contract of sale or a written agreement
- the WA Revenue Online System must be used to assess the stamp duty to be paid on the transfer. The State Revenue Office transaction criteria are listed at [https://www.finance.wa.gov.au/cms/State\\_Revenue/Revenue\\_Online/Revenue\\_Online.aspx](https://www.finance.wa.gov.au/cms/State_Revenue/Revenue_Online/Revenue_Online.aspx)
- all registered proprietors must be recorded on the title without reference to any legal capacity, e.g. a registered proprietor of the land held on behalf of another person or entity who is the beneficial owner of that property, such as executors, administrators of estates and trustees of a trust
- if a party to the document is a company, the status of the company must be “registered” (e.g. not in receivership, not in liquidation etc)
- transfers of Crown land are currently excluded from electronic conveyancing
- if a party in the transaction is considered an incapable person pursuant to a State Administrative Tribunal order, the SAT order and statutory declaration must be uploaded and attached with the document
- if a restrictive covenant is registered on a title, and has expired, a letter requesting its removal can be uploaded and attached with the transfer document.

## Mortgage

- if a party in the transaction is considered an incapable person pursuant to a State Administrative Tribunal order, the SAT order and statutory declaration must be uploaded and attached with the document
- mortgage can be over all of the land in a title, all of a lot in a multi-lot title, or all of an interest on a title (e.g. a registered lease)
- all registered proprietors must be mortgagors
- all titles included in the mortgage must have the same registered proprietors
- all mortgagees named in the mortgage must be represented by the same subscriber
- if a party to the document is a company, the status of the company must be “registered” (e.g. not in receivership, not in liquidation etc)

## Discharge of mortgage

- if a party in the transaction is considered an incapable person pursuant to a State Administrative Tribunal order, the SAT order and statutory declaration must be uploaded and attached with the document
- the discharge of mortgage must discharge the mortgage from all of the land in a title or all of the interest that the mortgage affects.
- the discharge of mortgage must discharge all of the mortgagees in the mortgage
- all mortgagees named in the discharge of mortgage must be represented by the same subscriber
- if a party to the document is a company, the status of the company must be “registered” (e.g. not in receivership, not in liquidation etc)
- the name of the mortgagee represented must be the same or justified to be the same as the mortgagee on the title

## Change of name

- maximum of one party changing their name per document
- can amend the name of a proprietor of land or proprietor of an interest
- if a party to the document is a company, the status of the company must be “registered” (e.g. not in receivership, not in liquidation etc)
- if a party in the transaction is considered an incapable person pursuant to a State Administrative Tribunal order, the SAT order and statutory declaration must be uploaded and attached with the document