

ELE-04 Residual Documents

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1 Overview

Functionality has been introduced to enable the lodgement of documents that were not previously enabled electronically. These remaining documents are known as “Residual documents”.

A table of the Residual documents that are available is shown below. Residual document types will be released in stages. This table will continue to be updated as more Residual documents become available for use.

The electronic lodgement of Residual documents is highly encouraged but not currently mandatory. Lodgement of a Residual document in paper, either standalone or in a case, does not require the [Request to Accept Paper Lodgement coversheet](#).

Residual documents cannot be lodged in case combinations with other documents. Residual documents will be manually examined once lodged.

For more information on specific document requirements please refer to the table below and the [Land Titles Registration Policy and Procedure Guides](#).

2 General requirements

The following explains the general requirements for lodging Residual documents electronically.

Prior to each document being signed and lodged, the Subscriber must:

- obtain a properly completed Client Authorisation form;
- undertake verification of identity;
- undertake verification of right to deal; and
- obtain the evidence to support the document.

2.1 Client Authorisation

A Client Authorisation is required to be obtained prior to signing an electronic document. A Client Authorisation is a document that enables a Party to a transaction (the Client) to authorise a conveyancer or lawyer to act on their behalf in that transaction.

For more information, please refer to the MPR Guidance Note #1 – Client Authorisation on the ARNECC website.

https://www.arnecc.gov.au/publications/mpr_guidance_notes/

2.2 Verification of Identity

The Subscriber must verify the identity of their Client when preparing an electronic document. When doing so, a Subscriber can choose to use the Verification of Identity standard or verify in some other way that constitutes the taking of reasonable steps.

For more information, please refer to the MPR Guidance Note #2 – Verification of Identity on the ARNECC website.

https://www.arnecc.gov.au/publications/mpr_guidance_notes/

2.3 Verification of Right to Deal

Right to deal is the entitlement of a Person to be a particular Party to a Conveyancing Transaction. A Subscriber is required to take reasonable steps to verify the right to deal of their Client.

For more information, please refer to the MPR Guidance Note #4 – Right to Deal on the ARNECC website.

https://www.arnecc.gov.au/publications/mpr_guidance_notes/

2.4 Retention of Evidence

The evidence to support the transaction is required to be obtained by the Subscriber and retained for a minimum of 7 years. Some transactions may require the evidence to be uploaded and attached to the Residual document prior to lodgement. The table below contains more information about which evidence is required to be attached.

For more information, please refer to the MPR Guidance Note #5 – Retention of Evidence on the ARNECC website.

https://www.arnecc.gov.au/publications/mpr_guidance_notes/

2.5 Duplicate Certificate of Title

Where a duplicate certificate of title exists and is required for an electronic document, the Subscriber must certify that:

“The Certifier has: (a) retrieved; and (b) either securely destroyed or made invalid, the (duplicate) certificate(s) of title for the folio(s) of the Register listed in this Registry Instrument or Document.”

3 Exceptions

The following scenarios are currently out of scope for Residual documents –

- Lodging a Residual document in a case with other documents (with the exception of a 14-day notice to remove a caveat).
- Amending the address of an existing proprietor/interest holder in a Residual document
- Subleasing a sublease or modifying/surrendering a sublease in a Residual document.
- Any document that requires duty to be paid

4 Residual Document Table

Refer to the below link:

[Residual Document Table](#)