

Notice

To Lodging Parties

10 March 2017 No 196

Electronic Lodgement of Stand-Alone Mortgages and Discharge of Mortgages

As part of South Australia's commitment to national alignment and to support the accelerated take-up of electronic conveyancing, it is my intention to mandate the lodgement of stand-alone Mortgages, Discharges of Mortgage and refinance transactions through an Electronic Lodgement Network (ELN), such as that currently operated by Property Exchange Australia Ltd.

A stand-alone Mortgage or Discharge of Mortgage is defined as any Mortgage or Discharge of Mortgage that is **not** lodged with any other type of dealing.

As such, where the following documents are executed on or after **3 April 2017**, they must be lodged through an ELN:

- All stand-alone Discharge of Mortgage dealings
- All stand-alone National Credit Code Mortgage dealings, where the Mortgagee is an Authorised Deposit-taking Institute (ADI).

Further, the below is targeted to be mandated in the 4th Quarter of this calendar year:-

- All remaining stand-alone Mortgage dealings are to be lodged through an ELN
- All stand-alone refinance transactions (i.e. any combination of Mortgages and Discharges of Mortgage) are to be lodged through an ELN.

Exemptions

Circumstances which would exempt the mandatory lodgement of a Mortgage and Discharge of Mortgage are captured in Annexure A.



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Government of South Australia

Department of Planning,
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Electronic Lodgement Exemptions

The mandatory electronic lodgement of a **Discharge of Mortgage** dealing will not apply when:

- Releasing part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Releasing part of the money
- Releasing one of the Mortgagees
- Releasing the undivided share and/or the personal liability of one of the Mortgagors
- Discharging a Mortgage of a Subsidiary Interest (e.g. Mortgage of Lease) or a Mortgage of other Non-Fee Simple Interest (e.g. Mortgage of Crown Lease, Mortgage of Life Estate etc.).

The mandatory electronic lodgement of a **Mortgage** dealing will not apply when:

- Mortgaging part of the land in a Certificate of Title (e.g. Allotment 5 in DP98765)
- Mortgaging the interest of one (or more, but not all) of the Registered Proprietors (e.g. a tenant in common or a joint tenant)
- Mortgaging a Subsidiary Interest (e.g. Lease, Mortgage etc.) or other Non-Fee Simple Interest (e.g. Crown Lease, Life Estate etc.)
- Mortgaging the interest of a minor or protected person.

The mandatory electronic lodgement of a Mortgage or Discharge of Mortgage will not apply when:

- The subject land cannot be transacted electronically
- The Electronic Lodgement Network is not available and has not been available for one clear business day.

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