

ECONVEYANCING MANDATE EXEMPTION REQUEST FORM - GUIDE TO COMPLETION FOR UNREPRESENTED INDIVIDUALS

The Exemption Request Form (ERF) must be deposited by any lodger when they lodge at titles, if a 'required instrument' is lodged in paper form. A list of Required Instruments and the process of requesting an exemption for a private individual are set out in this guide to completion. Further information is also available online at [Titles Queensland \(titlesqlld.com.au\)](https://titlesqlld.com.au)

What is the Mandate?

From 20 February 2023, certain types of instruments and documents (referred to as '**required instruments**') must be lodged by way of eConveyancing (electronic conveyancing) unless an exemption applies. Private individuals are generally not eligible to subscribe for eConveyancing, however an exemption exists for Individuals who are not represented by a lawyer or a law firm when lodging a required instrument in paper form.

Which instruments are required instruments?

A required instrument means any of the following:

- (a) an instrument of transfer for a lot (Form 1 – Transfer);
- (b) an instrument of mortgage for a lot (National Mortgage Form);
- (c) an instrument releasing a mortgage of a lot (Form 3 – Release);
- (d) a caveat for a lot (Form 11 – Caveat);
- (e) a request to withdraw a caveat lodged over a lot (Form 14 – Request to withdraw caveat);
- (f) a priority notice for a lot (PNN);
- (g) a request to extend a priority notice over a lot (PNE);
- (h) a request to withdraw a priority notice over a lot (PNW);
- (i) an application to be registered as a personal representative for a registered owner of a lot who has died (Form 5 – Transmission Application).

What does it mean to be an Unrepresented Individual?

An unrepresented individual is an individual who is a private person (not a company or corporate entity) who is not represented by a lawyer or a legal practice, and who is lodging a titles instrument(s) themselves.

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What is the applicable exemption for an 'Unrepresented Individual'?

On the ERF, the applicable exemption is the first exemption, being "A party is an unrepresented individual".

1. A party is an unrepresented individual

A party to the instrument, who is a natural person (i.e. not a company etc.), is not a subscriber for eConveyancing and is not represented by an Australian legal practitioner or an incorporated legal practice.

How to Complete the Exemption Request Form (ERF)

- Only one ERF is required to be deposited per group of documents, so if you are lodging more than one document at the same time, you only require one ERF.
- Insert the relevant title reference in the space provided in the first paragraph of the form. if more than one, use the first title reference only.
- Tick the applicable exemption box, which is number 1 for unrepresented individuals.
- Insert your name and sign and date the form at the bottom of the page where indicated. The Company/Firm Name can be left blank or N/A or Not Applicable inserted.
- An example of a completed ERF is provided on the following page.

Refer to example of completed ERF below:

This Exemption Request Form **must** be deposited by the lodger with a lodgement, when a 'required instrument' is lodged in paper form.

To: Registrar of Titles

I hereby request the Registrar of Titles accept this paper lodgement relating to title reference: **14643035**

[Insert no.]

This instrument cannot be lodged using eConveyancing because of the reason(s) indicated below:
(Please tick as appropriate)

- ☒ **1. A party is an unrepresented individual:** A party to the instrument, who is a natural person, is not a Subscriber to an Electronic Lodgment Network Operator and is not represented by an Australian legal practitioner or an incorporated legal practice.
- ☐ **2. Functionality:** The Electronic Lodgment Network and/or Titles Queensland system does not have the functionality to complete the particular transaction.
- ☐ **3. Circumstances beyond control:** When the eConveyancing lodgement was attempted, circumstances beyond the lodger's control prevented the lodgement from proceeding.
E.g. internet access issues for the entire day, the Electronic Lodgment Network is unavailable for use for the entire day.
- ☐ **4. Combined lodgements / instruments:** The instrument is required to be lodged with another instrument that cannot be lodged using eConveyancing.
E.g. a transfer that must be lodged with a plan of survey and the plan of survey cannot be lodged using eConveyancing.
- ☐ **5. Combined lodgements / instruments involving unrepresented individuals:** The instrument is required to be lodged with another instrument which includes a party who is an unrepresented person.
- ☐ **6. Rejected or withdrawn instruments with an associated financial transaction:** The instrument:
- replaces an instrument that was lodged using eConveyancing and subsequently rejected or withdrawn under section 157 or section 159 of the *Land Title Act 1994*; **and**
 - for which an associated financial transaction has been completed.
- E.g. purchase price for the property has been paid; money has been given in return for granting a mortgage or charge over the property; taxes, duty (including transfer duty), fees or charges payable relating to the transaction have been paid.*
- ☐ **7. Duties Act 2001 (Qld) exemption:** The instrument(s) being lodged give effect to a transaction that is not an ELN lodgement or ELN transfer within the meaning of the *Duties Act 2001* (Qld) section 156D.

I confirm that the above is true and correct to the best of my knowledge.

Name: **Robert Anthony Black**

[insert lodging party / legal representative / agent's name and any other relevant details]

Company / Firm Name: **N/A**
(if applicable)

Signature: **Robert A Black**

Date: **26 / 02 / 2023**
DD/MM/YEAR