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|  Guide to transfer of land 45-2TLA |
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This guide sets out the requirements to lodge a Transfer of land form 45-2TLA (formerly T2) under the *Transfer of Land Act 1958*.

The 45-2TLA transfer form is used for transfers of land (vacant land, house and land, strata units etc.) that contain a restrictive covenant or a covenant created pursuant to statute, and/or create and/or reserve easements.

Note: For a limited time, Land Use Victoria provide two versions of the 45-2TLA form:

1. Transfer of land – creating an easement and or restrictive covenant 45-2TLA (formerly T2)

This version of the form can be used to create a restrictive covenant where the contract of sale is dated on or before the 30/06/2018.

1. Transfer of land - creating an easement 45-2TLA (formerly T2)

This version of the form does not allow a restrictive covenant to be created. Refer to section Creations and/or reservation of easement and/or restrictive covenant for further information.

The 45-2TLA form is not used for transfers by a mortgagee under power of sale (a Transfer of land form 77TLA (formerly T3) is used for this purpose) or transfers under the Local Government Act.

# Documents required by Land Use Victoria

## Transfer of land 45-2TLA form

The Transfer of land 45-2TLA form must be fully completed and is available on the [Transfer of Land Act](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/transfer-of-land) page at <https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/transfer-of-land>

## Certificate(s) of Title

The Certificate(s) of Title must be supplied. There are two types of Certificate of Title currently in use – either a paper Certificate of Title (pCT) or an electronic Certificate of Title (eCT).

If the Certificate of Title is a pCT it may be:

* in possession of the lodging party; or
* held by a financial institution, legal practitioner or other party, who must nominate the pCT to the dealing using an Application to nominate a paper Certificate of Title to a paper instrument or electronic lodgement case.

If the Certificate of Title is an eCT it will be in the control of a financial institution, legal practitioner or other party.

An eCT must be nominated to the paper dealing via the electronic lodgement network (PEXA) to enable the transaction to be lodged.

In most cases, the party providing the Certificate(s) of Title will charge a fee.

After your transaction has been processed, a new Certificate of Title will be issued.

## Verification of identity

All parties to a conveyancing transaction must have their identity verified.

When a conveyancer or lawyer represents a client, the conveyancer or lawyer is responsible for verifying their client’s identity. For further information, refer to [Guide to verification of identity for paper conveyancing transactions for conveyancers, lawyers and mortgagees](http://www.delwp.vic.gov.au/property-and-land-titles/forms%2C-guides-and-fees) available at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Verification of identity.

If a party to a conveyancing transaction is not represented by a conveyancer or lawyer (a non-represented party), verification of identity needs to be undertaken by Australia Post – the Approved Identity Verifier. In addition, Australia Post will witness the non-represented party signing any conveyancing documents. For further information, refer to [Guide to verification of identity for people not using a conveyancer or lawyer](http://www.delwp.vic.gov.au/property-and-land-titles/forms%2C-guides-and-fees) available at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Verification of identity.

## Land tax Notice of Acquisition

A completed and signed Notice of Acquisition must be supplied.

For further information on the land tax Notice of Acquisition, contact:

State Revenue Office
121 Exhibition Street
Melbourne 3000
T: 132 161
W: [www.sro.vic.gov.au](http://www.sro.vic.gov.au)

# Additional information

## Rating bodies

Each rating body (water, sewerage, council etc.) needs to be notified of the change of ownership. To notify these bodies a copy of the completed land tax Notice of Acquisition should be sent.

## Fees

Land Use Victoria fees are payable at lodgement.

Acceptable payment methods and lodgement fees are available on the [Forms, guides and fees](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/fees) page at <https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/fees>

# Before lodging at Land Use Victoria

Before lodging your Transfer of land 45-2TLA form at Land Use Victoria you should enquire about the assessment and payment of duty at:

State Revenue Office
121 Exhibition Street
Melbourne 3000
T: 132 161
W: [www.sro.vic.gov.au](http://www.sro.vic.gov.au)

Prior to lodgement, the lodging party must also be in possession of the Certificate(s) of Title or ensure that the Certificate(s) of Title has/have been provided to Land Use Victoria through the nomination process.

To ascertain whether or not the Certificate(s) of Title has/have been nominated, a single Property Transaction Alert on Titleor one or more Pre-lodgement Check(s) can be made through LANDATA®.

Customers who subscribe to a Property Transaction Alert on Titleare notified by email when a Certificate of Title has been nominated at Land Use Victoria.

A Pre-lodgement Check is made prior to lodgement to confirm that the Certificate(s) of Title has/have been nominated, to inform of a prior dealing affecting that title or to provide details of the controlling party of Certificate(s) of Title.

A Property Transaction Alert on Title or Pre-lodgement Check(s) product can be obtained through:

* Document Tracking at [www.landata.vic.gov.au](http://www.landata.vic.gov.au) or
* a [title information broker](http://www.dtpli.vic.gov.au/property-and-land-titles/property-information/buying-or-selling-property/brokers-and-data-service-providers) found at [www.delwp.vic.gov.au/property](http://www.dtpli.vic.gov.au/property)>Property information>Buying and selling property>Brokers and data service providers.

# How to complete the Transfer of land 45-2TLA form

This form should be completed online and printed for lodgement.

If the form is being completed manually rather than online:

* the writing must be clear and legible and in BLOCK LETTERS
* only use black or blue pen
* correction fluid must not be used
* the back of the form must not be used.

If there is insufficient space in any panel an Annexure Page (A1) must be used, which is available on the [property and land titles](https://www.propertyandlandtitles.vic.gov.au/) page at [Property and land titles/overview](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/overview) in the standard forms tab.

## Lodged by

This section is to be completed by the party lodging the application at Land Use Victoria.

Please insert the following:

* name, telephone number and postal address for contact details or for the return of any documents
* customer reference and your Land Use Victoria customer code (if applicable).

## Land

Insert Volume and Folio number(s) of affected title(s), e.g. Volume 12345 Folio 125.

Multiple titles, numbered consecutively, may be inserted as a single range entry, e.g. Volume 12345 Folio 125-132.

## Estate and interest

Insert the estate and interest being transferred e.g. ‘all our estate in fee simple’. If less than the full interest, specify the interest.

## Consideration

Allows for the circumstances of the transfer to be entered.

### Monetary

Include the amount paid for the property in figures. ‘Nil’ is not acceptable, a consideration must be shown.

### Non-monetary

If the transfer is for other than a monetary amount, the following considerations are acceptable:

* Natural love and affection – generally used for transfers between spouses.
* Desire to make a gift – generally used for transfers between related parties.
* Devise in a will – used to give effect to a gift in a will.
* Other, please specify – used when none of the above are appropriate e.g. to change manner of holding.

## Transferor

Insert the full name(s) of the transferor(s). If a transferor’s name differs from that shown on the title, then a recital is required, e.g. Mary Smith formerly Mary Brown.

Note: Each transferor must be keyed on a separate line

## Transferee

Insert the full names and address(es) of the transferee(s).

The address(es) provided will be where notices are mailed in the future.

Note: Each transferee must be keyed on a separate line with the address beside their name.

If a transferee’s name differs from that shown on the title, then a recital is required, e.g. Mary Smith formerly Mary Brown.

Please note that a ‘care of’ or ‘post office box’ is not an acceptable address.

For two or more transferees: If no manner of holding is shown the transferees will be registered as JOINT PROPRIETORS. (When a joint proprietor dies that person's interest passes to the survivor/s.) An alternative is to hold as TENANTS IN COMMON. This must be stated and the quantum of shares set out (e.g. ‘tenants in common in equal shares’ or ‘Bruce Len Adams as to two equal undivided third parts or shares and Joan Beryl Adams as to one equal undivided third part or share as tenants in common’).

When a tenant in common dies that person's interest passes according to their will or the laws of intestacy.

## Creations and/or reservation of easement and/or restrictive covenant

Insert any easements being created or reserved. Indicate dominant and servient land and full details of the easement. If a restrictive covenant is being created or reserved, indicate the land to take the benefit of the covenant and provide full details of the covenant.

Note: The Transfer of land - creating an easement and or restrictive covenant 45-2TLA (formerly T2) can be used to create a restrictive covenant where the contract of sale is dated on or before the 30/06/2018.

If the contract of sale is dated on or after 01/07/2018 or there is no contract of sale, the Transfer of Land form should be used and is available on the [Transfer of Land Act](http://www.delwp.vic.gov.au/property-and-land-titles/forms%2C-guides-and-fees/transfer-of-land-act) page at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Transfer of Land Act>Transfer.

## Signing

A document can be signed by the parties in their own right or by a conveyancer or lawyer representing the parties, an authorised deposit taking institution or a PEXA subscriber.

A Client Authorisation is required for all paper transactions lodged at Land Use Victoria when a party is represented by a conveyancer or lawyer. It authorises the conveyancer or lawyer to act as their client’s agent. If a Client Authorisation is in place then the conveyancer or lawyer MUST sign the documents on behalf of their client.

Certifications are required for all paper transactions lodged at Land Use Victoria when a party is:

* represented by a conveyancer or lawyer
* an Authorised deposit taking institution; or
* an Electronic Lodgement Network Subscriber.

### Unrepresented individual

If the party is an individual and is not represented by a conveyancer or lawyer the following signing option should be selected:

* Leave Blank
* Four data entry boxes will appear
	+ Executed on behalf of – enter name of individual
	+ Signer name – enter the name of individual signing
	+ Execution Date – completed by Australia Post
	+ Full Name of Witness – completed by Australia Post

The document needs to be signed in front of the Approved Identity Verifier (Australia Post), who will witness the document and verify the identity of the individual.

See Verification of identity earlier in this guide.

Note: an Attorney cannot sign on behalf of an unrepresented individual. Representation will need to be obtained.

### Unrepresented corporation or organisation:

If the corporation is not represented by a conveyancer or lawyer the following option should be selected:

* Leave Blank
* Four data entry boxes will appear
	+ Executed on behalf of – enter name of corporation/organisation
	+ Signer name – enter name of person(s) signing for corporation/organisation and their designation
	+ Execution Date – completed by Australia Post
	+ Full Name of Witness – completed by Australia Post

The document needs to be signed by the director/or secretary (in the case of a corporation) or by the person(s) authorised to sign (in the case of an organisation) in front of the Approved Identity Verifier (Australia Post), who will verify the identity of the individual(s).

See Verification of Identity earlier in this guide.

Note: an attorney cannot sign on behalf of an unrepresented corporation/organisation. Representation will need to be obtained.

### Represented party

For all parties represented by a conveyancer or lawyer one of the following signing options should be selected:

* Australian Legal Practitioner
* Licensed Conveyancer
* Conveyancing Practice

The appropriate selection should be made.

If a lawyer or a licensed conveyancer employed by a lawyer represents a party, ‘Australian Legal Practitioner’ or ‘Licensed Conveyancer’ should be selected. A non-practitioner employee of a lawyer cannot sign instruments on behalf of a client.

If a licensed conveyancer represents a party, ‘Licensed Conveyancer’ should be selected. If a non-practitioner employee of a Licensed Conveyancer is signing an instrument on behalf of a client, then ‘Conveyancing Practice’ should be selected.

In all cases, the signer details need to be completed and the form signed on behalf of the party.

Following selection of the signer role, from the next panel ‘Representing’, the user should select:

* Representing another

Signer panels:

* Name – full name of person signing
* Organisation – full name of conveyancing firm or law firm for whom the person signing works.
* Executed on behalf of – key the name of the represented party
* Execution date - Enter the date via the drop-down calendar or key the date in the following format DD/MM/YYYY.

### Self represented party - Authorised deposit taking institution or Electronic Lodgement Network Subscriber

If the party is an authorised deposit taking institution or Electronic Lodgment Network Subscriber and is not represented by a conveyancer or lawyer the following signing role should be selected:

* Authorised deposit taking institution
* Electronic Lodgment Network Subscriber

Following selection of the signer role, from the next panel ‘representing’, the user should select:

* Representing self

Signer panels:

* Name – full name of person signing
* Organisation – full name of authorised deposit taking institution or Electronic Lodgment Network Subscriber for whom the person signing works.
* Executed on behalf of – key the name of the represented party
* Execution date - Enter the date via the drop-down calendar or key the date in the following format DD/MM/YYYY.

The signer details need to be completed and the form signed on behalf of the party.

### Self represented party - Australian Legal Practitioner or Licensed Conveyancer

If the party is an Australian Legal Practitioner or Licensed Conveyancer and is self representing the following signing role should be selected:

* Australian Legal Practitioner
* Licensed Conveyancer

Following selection of the signer role, from the next panel ‘representing’, the user should select:

* Representing self

Signer panels:

* Name – full name of person signing
* Organisation – full name of Law Practice or Conveyancing Practice for whom the person signing works.
* Executed on behalf of – the name of the party
* Execution date - Enter the date via the drop-down calendar or key the date in the following format DD/MM/YYYY.

The signer details need to be completed and the form signed on behalf of the party.

Contact us

For location and contact details, refer to <https://www.propertyandlandtitles.vic.gov.au/contact-us>.

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