

Guide to Residual Documents

November 2023 v11



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# Requirements to lodge a residual document at Land Use Victoria

Functionality has been developed in PEXA to allow electronic lodgment of instrument types that previously could not be lodged electronically. These documents are known as residual documents.

The functionality enables a generic instrument to be lodged and categorised as one of the following:

* Application to Change Proprietor
* Application to record an instrument
* Application to record a variation to an instrument
* Application to remove an instrument
* Application to request action by the Registrar

ELN subscribers can upload attachments as PDF images into an electronic workspace. These PDFs can form part of an instrument to be recorded (e.g., a section 173 agreement) or be supporting documents (evidence) (e.g. a statutory declaration).

# Land Use Victoria requirements

## 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 [ARNECC Model Participation Rules Guidance Note 2 – Verification of Identity](https://www.arnecc.gov.au/publications/mpr_guidance_notes) available at [www.arnecc.gov.au/publications/mpr\_guidance\_notes.](https://www.arnecc.gov.au/publications/mpr_guidance_notes)

## Certificate(s) of Title

The Certificate(s) of Title must be nominated if required.

## Part Land

Due to a current system limitation, instruments ‘as to part’ can only affect folios of the Register that contain more than one lot or more than one Crown allotment.

First check the Specific Requirements column in the table below to see if less than all the land in a folio may be dealt with in an application. If it can and there are two or more lots or Crown allotments in the folio, then ‘Part – Lot on Plan’ or ‘Part – Other description’ can be selected in the ‘Extent’ panel.

If the part land affected cannot be described as a ‘Part – Lot on a Plan’ then ‘Part – Other description’ must be selected. If ‘Part – Other description’ is selected the following wording must be used:

Crown allotment [enter description]

OR

That part of the land hatched or marked [insert identifier] as shown on the attached diagram/agreement/deed/lease/notice

Any diagram including those contained within any agreement, deed, lease or notice must be in black and white. The part land affected must be identifiable (for example by hatching or alphabetical reference), sufficiently dimensioned, fixed (not floating) and be within the title boundaries.

Instruments that are ‘as to part’ affecting a folio containing only one lot or Crown allotment must be lodged using the Record – Notice Transfer of Land Act - Section 104 residual document (Generic Residual Document).

## Address details

The address for each party to a conveyancing transaction is mandatory and must be entered.

## Standalone Transactions

All residual documents must be “standalone” and should not be lodged with other dealing types.

## Encumbrances

Only one encumbrance may be dealt with in each application.

## Imaged instrument

When required, only a copy of the document (e.g. agreement, court order, notice) in PDF format must be uploaded into the electronic workspace. Any paper version of the electronic instrument must not be included.

## Signing

Electronic instruments must be signed by an ELN subscriber.

A Client Authorisation is required if a conveyancer or lawyer is signing on a client’s behalf.

A Client Authorisation is required except when the conveyancer or lawyer is preparing and lodging a caveat.

For further information, refer to the [ARNECC Model Participation Rules Guidance Note 1 – Client Authorisation](https://www.arnecc.gov.au/publications/mpr_guidance_notes) available at [www.arnecc.gov.au/publications/mpr\_guidance\_notes](http://www.arnecc.gov.au/publications/mpr_guidance_notes).

**The attached table provides a list of residual documents that are able to be lodged electronically. The table details what (if any) instrument and/or supporting document is required for each residual document.**

# Contact us

For [location and contact details](https://www.propertyandlandtitles.vic.gov.au/contact-us), go to <https://www.land.vic.gov.au/contact-us>

| **Application to Change Proprietor** | | | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name | | Legislation | Nomination | Applicant | Relinquishing Party | Receiving Party | Encumbrance | Consideration | Additional Details | Image Instrument | Supporting  Documents | Duty | Specific Requirements | |
| Transfer to the Crown | | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory  Relinquishing Party must be Proprietor | Mandatory | NA | Mandatory | Additional information to specify Crown land administrator and whether Crown land is reserved or not | Optional | NA | NA |  | |
| Transfer of Easement | Transfer of Land Act – section 45 | NA | NA | Mandatory Relinquishing Party must be Proprietor | Mandatory | NA | Mandatory | Mandatory  Easement Number  Relinquishing Party Justification (if applicable)  Must set out any change of name justification for the relinquishing party  Evidence for an easement in gross must set out:   * the statutory power permitting the relinquishing party to transfer the easement in gross * the statutory power permitting the receiving party to hold an easement in gross | NA | NA | NA | Only applies if the easement was created under section 45 of the Transfer of Land Act or in a plan under the Subdivision Act | |
| Transfer and Creation of Easement | | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory  Relinquishing Party must be Proprietor | Mandatory | NA | Mandatory | Mandatory  Servient Land  Dominant Land  Easement Purpose | Optional | NA | Mandatory | Dealing Requirement – Council consent if carriageway easement |
| Transfer to Religious Successory Trust | | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory  Relinquishing Party must be Proprietor | Mandatory | NA | Mandatory | Mandatory  Name of current Trustee(s)  Register of Successory Trusts Folium number | NA | NA | Mandatory | Mandatory |
| Vesting – Completed Purchase | | Transfer of Land Act – section 47 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application  Set out the subsections of section 47 relied on | NA | Mandatory  Evidence to satisfy section 47  Certificate of Title (if any) | NA | NA |
| Transmission by Trustee in Bankruptcy | | Transfer of Land Act – section 51 | Mandatory | Mandatory | NA | NA | Optional  Lease, Sub-Lease, Mortgage | NA | Mandatory  Name of Bankrupt | NA | NA | NA | Reference to Lease, Sub-Lease or Mortgage only required where the Bankrupt is the registered proprietor of the Lease, Sub-Lease or Mortgage  Only one bankrupt proprietor may be dealt with in each application |
| Transfer by Sheriff | | Transfer of Land Act – section 52 | Mandatory | NA | Mandatory | Mandatory | NA | Mandatory | Mandatory  Warrant Number  Judgment debtor’s name(s) which must be the names of all registered proprietors | NA | NA | Mandatory | NA |
| Acquisition by Acquiring Authority | | Transfer of Land Act – section 54 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Encumbrances to remain  Government Gazette Number | NA | NA | NA | NA |
| Vesting – Trust | | Transfer of Land Act – section 58 | NA | Mandatory | NA | NA | Optional  Lease, Sub-Lease, Mortgage | NA | Mandatory  Grounds of Application  Set out the basis for the application | NA | Mandatory  Evidence to satisfy section 58 could include statutory declaration from the Applicant or its lawyer, trust deeds, deeds of appointment of trustees or Court Orders  Certificate of Title (if any) | NA | NA |
| Vesting – Act or Court Order | | Transfer of Land Act – section 59 | NA | Mandatory | NA | NA | Optional  Lease, Sub-Lease, Mortgage, Statutory Charge | NA | Mandatory  Grounds of Application  Set out the section(s) of the Act(s) or the Court Order(s) relied on | Optional  Court Order | Optional  Certificate of Title (if any) | NA | NA |
| Vesting – Successor at Law | | Transfer of Land Act – section 59A | NA | Mandatory | NA | NA | NA | NA | NA | NA | Mandatory  CEO certificate  Certificate of Title (if any) | NA | NA |
| Mortgaged Lease | | Transfer of Land Act – section 68 | Mandatory | Mandatory | NA | NA | Mandatory  Lease | NA | Mandatory  Mortgage | NA | Mandatory  Written statement by the Trustee disclaiming lease Copy of lessor's notice to mortgagee  Statutory declaration as to service of notice on mortgagee | NA | NA |
| Foreclosure by Mortgagee | | Transfer of Land Act – section 79 | Mandatory | Mandatory | NA | NA | Mandatory  Mortgage | NA | NA | NA | Mandatory  Statutory declaration required by section 79 | NA | NA |
| Transfer by Council – Rates Recovery | | Local Government Act – section 181 | NA | NA | Mandatory | Mandatory | NA | Mandatory | NA | NA | NA | Mandatory | NA |
| Vesting – Roman Catholic Trusts | | Roman Catholic Trusts Act – section 10 | Mandatory | Mandatory | NA | NA | NA | NA | NA | NA | Mandatory  Consent from Bishop or Trustees | NA | NA |
| Vesting – Uniting Church | | Uniting Church in Australia Act – section 23 | Mandatory | Mandatory | NA | NA | NA | NA | NA | NA | Mandatory  Consent under common seal of the Trust | NA | NA |

| **Application to record an instrument** | | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name | | Legislation | Nomination | Applicant | Relinquishing Party | Receiving Party | Encumbrance | Consideration | Additional Details | Image Instrument | Supporting Document | Duty | Specific Requirements |
| Agreement | Building Act – section 163 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Notice | Carbon Credits (Carbon Farming Initiative) Act – section 27 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Declaration Reference (EOP number) | Optional  Diagram | NA | NA | Part land descriptions accepted |
| Notice | Cemeteries & Crematoria Act – section 126 | NA | Mandatory  Applicant must be Secretary Department of Health and Human Services | NA | NA | NA | NA | NA | Mandatory | NA | NA | Part land descriptions accepted |
| Creation – Forest Carbon Right | Climate Change Act – section 57 | Mandatory | NA | Mandatory | Mandatory | NA | Mandatory | Mandatory  Specify the type of Right(s) (at least one of the following):   * Carbon Sequestration Right * Forestry Right * Soil Carbon Right   The Forest Carbon Right was created in accordance with the Climate Change Act 2017 | Optional  Diagram | NA | NA | Part land descriptions accepted |
| Agreement – Forestry and Carbon Management | Climate Change Act – section 58 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Relevant interest of the applicant | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Restraining Order | Confiscation Act – section 18 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Restraining Order | NA | NA | NA |
| Restraining Order | Confiscation Act – section 36M | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Restraining Order | NA | NA | NA |
| Restraining Order | Confiscation Act – section 40I | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Restraining Order | NA | NA | NA |
| Agreement | Conservation Forests & Lands Act – section 69 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Restraining Order | Crimes (Superannuation Benefits) Act – section 34 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Restraining Order | NA | NA | NA |
| Agreement | Development Victoria Act – section 49 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Agreement | Docklands Act – section 24 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Covenant – Heritage Council | Heritage Act – section 134 | Mandatory | Mandatory | NA | NA | NA | NA | NA | Mandatory  Deed of Covenant | NA | NA | Part land descriptions accepted |
| Notice | Heritage Act – section 54 | NA | Mandatory  Applicant must be Executive Director Heritage Victoria | NA | NA | NA | NA | Mandatory  Heritage Register Number | NA | NA | NA | NA |
| Covenant – National Trust | Heritage Act – section 135 | Mandatory | Mandatory | NA | NA | NA | NA | Prior approval of Heritage Council | Mandatory  Deed of Covenant | NA | NA | Part land descriptions accepted |
| Charge | Housing Act – section 67 | NA | Mandatory  Applicant must be the Responsible Authority | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Notice | Housing Act – section 110 | NA | Mandatory  Applicant must be  Homes Victoria | NA | NA | NA | Mandatory | NA | NA | NA | NA | NA |
| Notice | Land Acquisition & Compensation Act – section 10 | NA | Mandatory  Applicant must be Acquiring Authority | NA | NA | Optional  Lease | NA | NA | Mandatory  Notice of intention to acquire | NA | NA | Reference to Lease only required where the Lease is to be acquired.  Part land descriptions accepted |
| Charge | Legal Aid Act – section 47A | NA | Mandatory  Applicant must be Victoria Legal Aid | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Notice | Pipelines Act – section 92 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Notice of Intention to Acquire | NA | NA | Part land descriptions accepted |
| Statement | Planning & Environment Act – section 110 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Owners or occupiers  Compensation amount  Section and Act | NA | NA | NA | NA |
| Agreement | Planning & Environment Act – section 173 | NA | Mandatory  Applicant must be Council or Planning Authority (Responsible Authority) | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Agreement | Planning & Environment Act – section 201SLB | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Notice – GAIC | Planning & Environment Act – section 201UB | NA | Mandatory  Applicant must be Victorian Planning Authority | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Restraining Order | Proceeds of Crime Act – section 34 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Restraining Order | NA | NA | NA |
| Charge | Proceeds of Crime Act – section 169 | NA | Mandatory | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Notice | Retirement Villages Act – section 9 | NA | Mandatory | NA | NA | NA | NA | NA | Optional  Diagram | NA | NA | Part land descriptions accepted |
| Charge | Retirement Villages Act – section 29 | NA | Mandatory | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Agreement | Subdivision Act – Section 17 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Agreement | Subdivision Act – Section 21 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Transfer – Forest Carbon Right | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory | Mandatory | Mandatory  Carbon Rights | Mandatory | Mandatory  Term | NA | NA | NA | Must be for a term of not less than three years |
| Judgement Decree Order or Process of Execution of Court | Transfer of Land Act – section 52 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Court Order | NA | NA | NA |
| Lease | Transfer of Land Act – section 66 | Mandatory | NA | Mandatory | Mandatory | NA | Optional | Mandatory  Commencement Date  Expiry Date  Rent  Covenants (if they are not long)  MCP reference (if applicable) | Optional  Covenants (long)  Lease plan | NA | Optional | Must be for a term exceeding three years  If dealing with Crown lease or Crown sub-lease obtain any necessary consents  Duty - Lease not required to be assessed for duty or lease assessed for duty  Part land descriptions accepted  Covenants (long) |
| Sub-lease | Transfer of Land Act – section 71 | Mandatory | NA | Mandatory | Mandatory | Mandatory  Lease | Optional | Mandatory  Commencement Date  Expiry Date  Rent  Covenants (if they are not long)  MCP reference (if applicable) | Optional  Covenants (long)  Lease plan | NA | Optional | Must be a term of not less than three years  If dealing with Crown lease or Crown sub-lease obtain any necessary consents  Duty - Lease not required to be assessed for duty or lease assessed for duty  Part land descriptions accepted  Covenants (long) |
| Annuity Charge | Transfer of Land Act – section 74 | Mandatory | NA | Mandatory | Mandatory | NA | NA | Mandatory  Annuity  How and when to be paid  Covenants (if they are not long)  MCP reference (if applicable) | Optional  Covenants (long) | NA | NA | NA |
| Restrictive Covenant | Transfer of Land Act – section 88 | Mandatory | Mandatory | NA | NA | NA | NA | Mandatory  Benefited Land | Mandatory  Deed of Covenant | NA | NA | Benefited land cannot be the same as the burdened land  Part land descriptions accepted |
| No Mortgage Consent – Reinstate lease | Transfer of Land Act – section 88A | Mandatory | Mandatory  Applicant must be the Mortgagee | NA | NA | NA | NA | Mandatory  Mortgage Number  Lease Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| Notice – Statutory Charge | Transfer of Land Act – section 106B | NA | Mandatory | NA | NA | NA | NA | Mandatory  Authorising legislation | NA | NA | NA | NA |
| Covenant | Victorian Conservation Trust Act – section 3A | NA | Mandatory  Applicant must be Victorian Conservation Trust | NA | NA | NA | NA | NA | Mandatory  Deed of Covenant | NA | NA | Part land descriptions accepted |
| Agreement | Water Act – section 234 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Benefited Land | Mandatory  Agreement | NA | NA | Part land descriptions accepted |
| Decision | Water Act – section 235 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Benefited Land | Mandatory  Decision | NA | NA | Part land descriptions accepted |
| Agreement | Water Act – section 244 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Benefited Land | Mandatory  Agreement | NA | NA | Part land descriptions accepted |

| **Application to record a variation to an instrument** | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name | Legislation | Nomination | Applicant | Relinquishing Party | Receiving Party | Encumbrance | Consideration | Additional Details | Image Instrument | Supporting  Documents | Duty | Specific Requirements |
| Agreement | Building Act – section 164 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Agreement – Forestry and Carbon Management | Climate Change Act – section 65 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | Mandatory  Relevant interest of the Applicant:  Fee Simple  Leasehold  Forest Carbon Right | Mandatory  Variation Agreement | NA | NA | NA |
| Agreement | Conservation Forests & Lands Act – section 76 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Covenant – Heritage Council | Heritage Act – section 134 | NA | Mandatory | NA | NA | Mandatory  Covenant | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Covenant – National Trust | Heritage Act – section 135 | NA | Mandatory | NA | NA | Mandatory  Covenant | NA | NA | Mandatory  Variation Agreement | NA | NA | Approval of Heritage Council must be retained but not submitted |
| Notice | Land Acquisition Compensation Act – section 10 | NA | Mandatory  Applicant must be Acquiring Authority | NA | NA | Mandatory  Notice | NA | NA | Mandatory  Amended Notice | NA | NA | NA |
| Agreement – Section 173 | Planning & Environment Act – section 178 | NA | Mandatory  Applicant must be the  Council or Planning Authority (Responsible Authority) | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Agreement | Planning & Environment Act – section 201SLF | NA | Mandatory  Applicant must be Minister for Planning, Commissioner for State Revenue or Victorian Planning Authority | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Lease | Transfer of Land Act – section 67A | Mandatory | NA | Mandatory | Mandatory | Mandatory  Lease | NA | Optional  Details of Variation (if not too long) | Optional  Details of Variation (long) | NA | NA | NA |
| Annuity Charge | Transfer of Land Act – section 75A | Mandatory | NA | Mandatory | Mandatory | Mandatory  Annuity Charge | NA | Optional  Details of Variation (if not too long) | Optional  Details of Variation (long) | NA | NA | NA |
| Mortgage | Transfer of Land Act – section 75A | Mandatory | NA | Mandatory | Mandatory | Mandatory  Mortgage | NA | Optional  Details of Variation (if not too long) | Optional  Details of Variation (long) | NA | NA | NA |
| Restrictive Covenant | Transfer of Land Act – section 88 | Mandatory | Mandatory | NA | NA | Mandatory  Covenant | NA | Optional  Benefited land | Mandatory  Court Order or Agreement | NA | NA | Benefited land required where variation by agreement  Dealing Requirement –  Council Consent (if applicable) |
| Covenant | Urban Land Authority Act – section 14 | Mandatory | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Covenant | Victorian Conservation Trust Act – section 3A | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Variation Agreement | NA | NA | NA |
| Agreement | Water Act – section 237 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | Mandatory  Benefited land | Mandatory  Variation Agreement | NA | NA | NA |
| Decision | Water Act – section 237 | NA | Mandatory | NA | NA | Mandatory  Decision | NA | Mandatory  Benefited land | Mandatory  Decision to Vary | NA | NA | NA |
| Agreement | Water Act – section 245 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | Mandatory  Benefited land | Mandatory  Variation Agreement | NA | NA | NA |

| **Application to remove an instrument** | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name | Legislation | Nomination | Applicant | Relinquishing Party | Receiving Party | Encumbrance | Consideration | Additional Details | Image Instrument | Supporting  Documents | Duty | Specific Requirements |
| Agreement | Building Act – section 164 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | NA | NA | NA | NA |
| Notice | Cemeteries & Crematoria Act – section 127 | NA | Mandatory Applicant must be Secretary Department of Health and Human Services | NA | NA | Mandatory  Notice | NA | NA | NA | NA | NA | NA |
| Agreement | Conservation Forests & Lands Act – section 76 | NA | Mandatory Applicant must be Secretary Department of Environment, Land, Water and Planning | NA | NA | Mandatory  Agreement | NA | NA | NA | NA | NA | NA |
| Restraining Order | Confiscation Act – section 27 | NA | Mandatory | NA | NA | Mandatory  Restraining Order | NA | NA | Mandatory  Order | NA | NA | NA |
| Agreement – Forest Rights | Forestry Rights Act – section 10 | NA | Mandatory  Applicant must be the forest property owner | NA | NA | Mandatory  Agreement | NA | NA | NA | NA | NA | NA |
| Notice | Heritage Act – section 54 | NA | Mandatory  Applicant must be Executive Director Heritage Victoria | NA | NA | Mandatory  Notice | NA | NA | NA | NA | NA | NA |
| Covenant – Heritage Council | Heritage Act – section 134 | NA | Mandatory | NA | NA | Mandatory  Covenant | NA | Mandatory | Release | Copy of Agreement | NA | NA |
| Covenant – National Trust | Heritage Act – section 135 | NA | Mandatory | NA | NA | Mandatory  Covenant | NA | Mandatory  Prior approval of Heritage Council | Release | NA | NA | Approval of Heritage Council must be retained but not submitted |
| Declaration | Housing Act – schedule 6 clause 6 | NA | Mandatory  Applicant must be Council | NA | NA | Mandatory  Declaration | NA | NA | NA | NA | NA | NA |
| Charge | Housing Act – section 67 | NA | Mandatory  Applicant must be Council | NA | NA | Mandatory  Charge | NA | NA | NA | NA | NA | NA |
| Notice | Housing Act – section 110 | NA | Mandatory  Applicant must be  Homes Victoria | NA | NA | Mandatory  Notice | NA | NA | NA | NA | NA | NA |
| Notice | Land Acquisition Compensation Act – section 10 | NA | Mandatory  Applicant must be Acquiring Authority | NA | NA | Mandatory  Notice | NA | NA | NA | NA | NA | NA |
| Charge | Legal Aid Act – section 47D | NA | Mandatory  Applicant must be Victoria Legal Aid | NA | NA | Mandatory  Statutory Charge | NA | NA | NA | NA | NA | NA |
| Agreement – section 173 | Planning & Environment Act – section 177 | NA | Mandatory  Applicant must be Council or Planning Authority (Responsible Authority) | NA | NA | Mandatory  Agreement | NA | NA | NA | NA | NA | NA |
| Statement | Planning & Environment Act – section 110 | NA | Mandatory  Applicant must be Council or Planning Authority (Responsible Authority) | NA | NA | Mandatory  Statement | NA | NA | NA | NA | NA | NA |
| Notice – GAIC | Planning & Environment Act – section 201UC | NA | Mandatory  Applicant must be either Commissioner of State Revenue or Victorian Planning Authority | NA | NA | Mandatory  Notice | NA | NA | NA | NA | NA | NA |
| Agreement | Planning & Environment Act – section 201SLG | NA | Mandatory  Applicant must be Minister for Planning | NA | NA | Mandatory  Agreement | NA | NA | NA | NA | NA | NA |
| Restraining Order | Proceeds of Crime Act – section 42 | NA | Mandatory | NA | NA | Mandatory  Restraining Order | NA | NA | Mandatory  Order | NA | NA | NA |
| Charge | Proceeds of Crime Act – section 169 | NA | Mandatory  Applicant must be Commissioner of Australian Federal Police, Department of Public Prosecutions or an Official Trustee in Bankruptcy | NA | NA | Mandatory  Statutory Charge | NA | NA | NA | NA | NA | NA |
| Notice | Retirement Villages Act – section 39 | NA | Mandatory | NA | NA | Mandatory  Notice | NA | Mandatory | NA | Mandatory  Copy of the government gazette or agreement | NA | NA |
| Charge | Retirement Villages Act – section 32 | NA | Mandatory | NA | NA | Mandatory  Statutory Charge | NA | Mandatory | NA | Mandatory  Copy of the government gazette, agreement or court order | NA | NA |
| Easement Surrender | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory | Mandatory | NA | Mandatory | Mandatory  Easement Number Dominant Land  Relinquishing Party Justification | NA | NA | NA | Dealing Requirement –  Council consent if carriageway easement |
| Warrant – Satisfaction | Transfer of Land Act – section 52 | NA | Mandatory | NA | NA | Mandatory  Warrant | NA | NA | NA | Mandatory  Proof of Satisfaction  Statutory Declaration disclosing the results of a search in the Sheriff’s Office that no sale has been made by the Sheriff under the Warrant | NA |  |
| Judgement Decree Order or Process of Execution of Court | Transfer of Land Act – section 52 | NA | Mandatory  Applicant must be the Judgement Creditor | NA | NA | Mandatory  Warrant | NA | NA | NA | NA | NA | This application is made under section 52(6A) |
| Notice of Acquisition | Transfer of Land Act – section 57 | NA | Mandatory  Applicant must be Acquiring Authority | NA | NA | Mandatory  Notice | NA | NA | NA | NA | NA | NA |
| Surrender of Mortgaged Lease | Transfer of Land Act – section 68 | Mandatory | Mandatory  Applicant must be the Lessor | NA | NA | Mandatory  Lease | NA | NA | NA | Mandatory  Written statement by trustee in bankruptcy disclaiming lease  Copy of lessor’s notice to mortgagee  Statutory Declaration as to service of notice on mortgagee | NA | NA |
| Lease – Surrender | Transfer of Land Act – section 69 | Mandatory | NA | Mandatory | Mandatory | Mandatory  Lease | NA | NA | NA | NA | NA | NA |
| Lease – Determination | Transfer of Land Act – section 70 | Mandatory | Mandatory | NA | NA | Mandatory  Lease | NA | Mandatory  Grounds of Application  Set out the paragraph of section 70 relied on | NA | Mandatory  Evidence to satisfy section 70 | NA | NA |
| Easement | Transfer of Land Act – section 73 | Mandatory | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application  Easement Number | NA | Mandatory  Evidence to satisfy section 73 | NA | Dealing Requirement –  Council consent if carriageway easement  Evidence to satisfy section 73 based on a Deed of Abandonment or evidence of non-user may include:  (a) Statutory Declaration of applicant(s)  (b) Statutory Declaration of independent witness  (c) Deed of Abandonment  (d) Proof of non-use e.g. Statutory Declaration of the registered proprietor of the servient land and prior registered proprietor(s) where required  (e) Extinguishment by merger  (f) Extinguishment by operation of the law  Conditions/reservations in a Crown Grant cannot be removed under section 73. |
| Mortgage – Proof of Payment | Transfer of Land Act – section 84 | Mandatory | Mandatory | NA | NA | Mandatory  Mortgage | NA | Mandatory  Grounds of Application  Set out the paragraph of section 84(2) relied on | NA | Mandatory  Evidence to satisfy section 84(2) | NA | This application relates to section 84(2)  See CIB 143 for guidance |
| Annuity Charge – Satisfaction | Transfer of Land Act – section 84 | Mandatory | Mandatory | NA | NA | Mandatory  Annuity Charge | NA | Mandatory  Grounds of Application  Set out the paragraph of section 84(3) relied on | NA | Mandatory  Evidence to satisfy section 84(3) | NA | This application relates to section 84(3) |
| Mortgage – Treasurer’s Receipt | Transfer of Land Act – section 85 | Optional | Mandatory | NA | NA | Mandatory  Mortgage | NA | NA | Mandatory  Treasurer’s Receipt | NA | NA | NA |
| Restrictive Covenant | Transfer of Land Act – section 88 | Mandatory | Mandatory | NA | NA | Mandatory  Covenant | NA | Optional  Benefited land | Mandatory  Court Order or Agreement | NA | NA | Agreement must be between the registered proprietors of all benefited and burdened land  Benefited land required where removal by agreement  Dealing Requirement –  Council consent, if applicable |
| No Mortgagee Consent – Lease | Transfer of Land Act – section 88A | Mandatory | Mandatory  Applicant must be the mortgagee | NA | NA | Mandatory  Lease | NA | Mandatory  Mortgage Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Variation of Lease | Transfer of Land Act – section 88A | Mandatory | Mandatory  Applicant must be the mortgagee | NA | NA | Mandatory  Variation of Lease | NA | Mandatory  Mortgage Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Easement | Transfer of Land Act – section 88A | Mandatory | Mandatory  Applicant must be the mortgagee | NA | NA | NA | NA | Mandatory  Mortgage Number  Easement Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Variation of Easement | Transfer of Land Act – section 88A | Mandatory | Mandatory  Applicant must be the mortgagee | NA | NA | NA | NA | Mandatory  Mortgage Number  Variation of Easement Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Restrictive Covenant | Transfer of Land Act – section 88B | Mandatory | Mandatory  Applicant must be the mortgagee | NA | NA | Mandatory  Restrictive Covenant | NA | Mandatory  Mortgage Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Variation of Restrictive Covenant | Transfer of Land Act – section 88B | Mandatory | Mandatory  Applicant must be the mortgagee | NA | NA | Mandatory  Variation of Restrictive Covenant | NA | Mandatory  Mortgage Number  Section 77 of Transfer of Land Act applies  Written consent was not obtained | NA | NA | NA | NA |
| Encumbrance | Transfer of Land Act – section 106 | Mandatory | Mandatory | NA | NA | Optional | NA | Mandatory  Grounds of Application  Encumbrance  Explanation as to how section 106(1)(c) is satisfied | NA | Optional  Evidence to satisfy section 106(1)(c) | NA | This Application relates to section 106(1)(c) |
| Notice – Statutory Charge | Transfer of Land Act – section 106B | NA | Mandatory  Applicant must be the person that benefits from the statutory charge (the Chargee) | NA | NA | Mandatory  Statutory Charge | NA | NA | NA | NA | NA | NA |
| Agreement | Water Act – section 237 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Agreement to Revoke | NA | NA | NA |
| Decision | Water Act – section 237 | NA | Mandatory | NA | NA | Mandatory  Decision | NA | NA | Mandatory  Decision to Revoke | NA | NA | NA |
| Agreement | Water Act – section 245 | NA | Mandatory | NA | NA | Mandatory  Agreement | NA | NA | Mandatory  Agreement to Revoke | NA | NA | NA |

| **Application to request action by the Registrar** | | | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Name | Legislation | Nomination | Applicant | Relinquishing Party | Receiving Party | Encumbrance | Consideration | Additional Details | Image Instrument | Supporting  Documents | Duty | Specific Requirements |
| General Law Conversion – Non-Survey | Transfer of Land Act – section 14 | NA | Mandatory | NA | NA | NA | NA | NA | NA | Mandatory  Practitioner’s Certificate  Search of title under section 26J of the Transfer of Land Act  General law deeds and other supporting evidence | NA | NA |
| Application – Change of name of proprietor and if applicable address | Transfer of Land Act – section 27A | Mandatory | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of application - Name change or name and address change | NA | NA | NA | Applicant must be the registered proprietor. Not to be used where the legal entity is to be changed. |
| Application – Change of name of interest holder and if applicable address | Transfer of Land Act – section 27A | Mandatory | Mandatory | NA | NA | Mandatory | NA | Mandatory  Grounds of application - Name change or name and address change | NA | NA | NA | Applicant must be the registered proprietor of an estate or interest or the holder of an encumbrance that is recorded on a folio eg mortgage, lease or caveat etc.  Not to be used where the legal entity is to be changed. |
| Application – Replace Lost or Destroyed Certificate of Title | Transfer of Land Act – section 31 | NA | Mandatory | NA | NA | NA | NA | Optional  If the applicant is one of the following:  - the survivor, executor or administrator of a deceased proprietor;  - a trustee in bankruptcy of a bankrupt proprietor; or  - a mortgagee in possession,  the status of the applicant should be set out | NA | Mandatory  Statutory Declaration of the representative of the applicant  Where the applicant is an ADI (where not a mortgagee in possession) to whom the paper certificate of title last issued or who last held the certificate of title, only a statutory declaration from the ADI is required | NA | NA |
| Application – New Folio | Transfer of Land Act – section 32 | Mandatory | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application Replacement of damaged paper certificate of title  Change in manner of holding  This can only be:  1) a change from joint tenants to tenants in common in equal shares; or  2) a change from tenants in common in equal shares to joint tenants  3) consolidation of tenancy in common when tenants same registered proprietor(s) | NA | NA | NA | NA |
| Application – New Folios for Separately Disposable Parcels | Transfer of Land Act – section 32 | Mandatory | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application  Create separate folios of the Register for separately transferable parcels of land  Consolidation of folios of the Register for separately transferable parcels  Note: The relevant sub-section of section 8A of the Sale of Land Act 1962 must be specified  Create separate folios of the Register for interest folios Consolidation of separate interest folios (including life estate and remainder expectant in same registered proprietorship) | NA | NA | NA | NA |
| Caveat – Forbidding Vesting | Transfer of Land Act – section 61 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Unregistered Application Number | NA | NA | NA | NA |
| Caveat – Forbidding Removal of Easement | Transfer of Land Act – section 73 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Unregistered Application Number | NA | NA | NA | NA |
| Variation of Priority of Mortgages | Transfer of Land Act – Section 75B | Mandatory | Mandatory | NA | NA | Mandatory  Mortgages  There must be more than one mortgage | NA | Mandatory  New order of priority | NA | NA | NA | All mortgages must affect the same folio(s) of the Register  Any mortgagee whose priority is being postponed must be a party to the application |
| Application – remove caveat | Transfer of Land Act – section 89A | NA | Mandatory | NA | NA | Mandatory  Caveat | NA | NA | NA | Mandatory Certificate signed by a person in legal practice in Victoria | NA | This application is made under section 89A(1)  Only 1 caveat may be dealt with in an application |
| Notice – Caveator | Transfer of Land Act – section 89A | NA | Mandatory | NA | NA | Mandatory  Caveat | NA | Mandatory  Unregistered Application Number | Mandatory  Approved Form | NA | NA | This application is made under section 89A(3)(b) |
| Notice – Registered Proprietor | Transfer of Land Act – section 89A | NA | Mandatory | NA | NA | Mandatory  Caveat | NA | Mandatory  Application Number  Grounds of Application  That the proceeding has been:   * discontinued * withdrawn * struck out or * dismissed | NA | Mandatory  Evidence to support Grounds of Application | NA | This application is made under section 89A(7) |
| Notice – Abandonment | Transfer of Land Act – section 89A | NA | Mandatory | NA | NA | Mandatory  Caveat | NA | Mandatory  Unregistered Application Number  This application is abandoned | NA | NA | NA | This application is made under section 89A(3)(a)  If notice has already been given, the consent of the caveator is required |
| Caveat – Forbidding Change of Boundaries | Transfer of Land Act – section 100 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Unregistered Application Number | NA | NA | NA | NA |
| Application – Correct Errors | Transfer of Land Act – section 103 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application  Specify the Registrar’s error that needs to be corrected, setting out the circumstances giving rise to it (if necessary) | NA |  | NA | Not for use when the error was made by a transacting party or their representatives |
| Application – Amendment by Court/VCAT Order | Transfer of Land Act – section 103 | NA | Mandatory | NA | NA | NA | NA | NA | Mandatory  Court Order, VCAT Order | NA | NA | NA |
| Registrar’s Caveat | Transfer of Land Act – section 106 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application  Specify the basis for the application  Specify whether request is for the Registrar to:   * record new Registrar’s Caveat or * remove existing Registrar’s Caveat (including Registrar’s Caveat number) | NA | Mandatory  Examples include section 19 State Trustee (State-Owned Company) Act 1994 certificate, VCAT Order or letter from Court | NA | NA |
| Application – Amend Proprietor Address | Transfer of Land Act – section 113 | NA | Mandatory | NA | NA | NA | NA | Mandatory  New Address  The new address must be an address suitable for the service of notice ie a street address | NA | NA | NA | NA |
| Application – Amend Mortgagee Address | Transfer of Land Act – section 113 | NA | Mandatory | NA | NA | Mandatory  Mortgage | NA | Mandatory  New Address  The new address must be an address suitable for the service of notice ie a street address | NA | NA | NA | NA |
| Application – Amend Caveator Address | Transfer of Land Act – section 113 | NA | Mandatory | NA | NA | Mandatory  Caveat | NA | Mandatory  New Address  The new address must be an address suitable for the service of notice ie a street address | NA | NA | NA | NA |
| Application – Amend Interest Holder Address | Transfer of Land Act – section 113 | NA | Mandatory | NA | NA | Mandatory  Notice | NA | Mandatory  New Address  The new address must be an address suitable for the service of notice ie a street address | NA | NA | NA | NA |
| Application – Grounds for Refusal | Transfer of Land Act – section 116 | NA | Mandatory | NA | NA | NA | NA | Mandatory  Grounds of Application  Specify which paragraph of section 116(1) is applicable | NA | NA | NA | NA |