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| Land Use Victoria Customer Information Bulletin 198 March 2020 |
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# Applications under section 31 Transfer of Land Act 1958

**From 1 March 2020 the assurance contribution required when a paper certificate of title is replaced is fixed at $200, payable at lodgment.**

If a paper certificate of title has been lost, destroyed or obliterated, an application can be made under section 31 for a new one. The lodging fee is payable at lodgment. Additionally, an assurance contribution (contribution) is assessed and has been payable after lodgment, based on the value of the land and risk to the Register.

To ensure more efficient processing of applications, on 1 March 2020, Land Use Victoria (LUV) standardised the contribution at $200 for most section 31 applications. Payment is required at lodgment. At current lodgment fee levels, the total to be paid at lodgment is $397.

Please note that LUV may require an additional assurance contribution payment after lodgment, if the application is assessed as high risk.

A rates notice or other evidence of the value of the land is no longer required at lodgment. Please refer to the [Guide to residual documents](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/electronic-lodgment/key-documentation) for remaining dealing requirements when lodging electronically or to the [Guide to replacing a lost or destroyed Certificate of Title](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/transfer-of-land) when lodging in paper.

## Reminder on lodging applications under section 31 and administrative notices to convert a paper certificate of title to an electronic certificate of title and nominate (Convert pCT and Nominate eCT to Lodgement Case Administrative Notice)

An application for a new certificate of title should be made when a Subscriber/Applicant does not have a paper certificate of title (pCT) because it has been lost, destroyed or obliterated.

A Convert pCT and Nominate eCT to Lodgment Case Administrative Notice should be submitted only when a Subscriber has a paper certificate of title, which they then securely destroy or invalidate.

LUV has received applications for new certificates of title with Convert pCT and Nominate eCT to Lodgment Case Administrative Notices. These applications are inconsistent and raise serious concerns about the certifications being given in both.

If an application under section 31 is successful, the relevant folio(s) of the register is cancelled, and new folio(s) created.  It is only once these new folios are created that further instruments should be created in an Electronic Lodgment Network.  If further instruments are contemplated, the issue of an eCT should be requested when submitting the section 31 application. This will remove the need to submit a later Convert pCT and Nominate eCT to Lodgment Case Administrative Notice.  Instead the Administrative Notices Nominate eCT to Lodgment Case or Nominate eCT to Paper Instrument can be used.

# Notes for Subscribers on Residual Document types

## Applications under section 89A of the *Transfer of Land Act 1958*

There are four different applications that can be made under section 89A of the *Transfer of Land Act 1958*:

ACTION – APPLICATION - REMOVE CAVEAT - Transfer of Land Act - Section 89A

should be used when the applicant, registered proprietor or registered mortgagee applies under section 89A(1) for the Registrar to serve notice on a caveator that their caveat will lapse unless proceedings are on foot.

NOTICE – ABANDONMENT - Transfer of Land Act - section 89A – should be used when an applicant, registered proprietor or registered mortgagee under section 89A(1) no longer wishes to proceed with their application - see section 89A(3)(a).

NOTICE – CAVEATOR – Transfer of Land Act – section 89A – should be used when a caveator wishes to give notice to the Registrar under section 89A(3)(b) that proceedings are on foot in a court or VCAT to substantiate the caveator’s claim.

NOTICE – REGISTERED PROPRIETOR – Transfer of Land Act 89A – should be used when the applicant, registered proprietor or registered mortgagee wishes to give notice under section 89A(7) to the Registrar that a caveator’s proceedings have been discontinued, withdrawn or struck out or provides evidence to the Registrar that the proceedings have been dismissed.

## Application to record a section 173 of the P*lanning and Environment Act 1987* agreement

The [Guide to residual documents](https://www.propertyandlandtitles.vic.gov.au/forms-guides-and-fees/electronic-lodgment/key-documentation) outlines the requirements for this application.Under ‘Specific Requirements’, the applicant must be the council or planning authority (responsible authority). No other entity can be cited as the applicant in this residual document type. An application made by any other entity will not be recorded.

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