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| Guide to residual documents |
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# Requirements to lodge a residual document at Land Use Victoria

New 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](http://www.arnecc.gov.au/publications/mpr_guidance_notes).

## Certificate(s) of Title

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

**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.

## Imaged instrument

When required, only a copy of the document (eg agreement, court order, notice) in PDF format must be uploaded into the electronic workspace.

## 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 will be able to be lodged over the coming months. 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 [www.propertyandlandtitles.vic.gov.au](https://www.propertyandlandtitles.vic.gov.au)>Contact us.

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| **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 | MandatoryRelinquishing Party must be Proprietor  | Mandatory | NA | Mandatory | NA | OptionalFor part of land, a diagram may be required  | NA | NA |  |
| Transfer of Easement | Transfer of Land Act – section 45 | NA | NA | Mandatory Relinquishing Party must be Proprietor | Mandatory | NA | Mandatory | MandatoryEasement NumberRelinquishing Party Justification (if applicable)Must set out any change of name justification for the relinquishing partyEvidence 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 | MandatoryRelinquishing Party must be Proprietor | Mandatory | NA | Mandatory | MandatoryServient LandDominant LandEasement Purpose | OptionalFor part of land, a diagram may be required | NA | Mandatory | Dealing Requirement – Council consent if carriageway easement |
| Transfer to Religious Successory Trust | Transfer of Land Act – section 45 | Mandatory | NA | MandatoryRelinquishing Party must be Proprietor | Mandatory | NA | Mandatory | MandatoryName 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 | MandatoryGrounds of ApplicationSet out the subsections of section 47 relied on | NA  | MandatoryEvidence to satisfy section 47Certificate of Title (if any) | NA | NA |
| Transmission by Trustee in Bankruptcy | Transfer of Land Act – section 51 | Mandatory | Mandatory | NA | NA | OptionalLease, Sub-Lease, Mortgage | NA | MandatoryName 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 |
| Transfer by Sheriff | Transfer of Land Act – section 52 | Mandatory | NA | Mandatory | Mandatory | NA | Mandatory | MandatoryWarrant NumberJudgment 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 | MandatoryEncumbrances to remainGovernment Gazette Number  | NA | NA | NA | NA |
| Vesting – Trust | Transfer of Land Act – section 58 | NA | Mandatory | NA | NA | OptionalLease, Sub-Lease, Mortgage | NA | MandatoryGrounds of ApplicationSet out the basis for the application | NA | MandatoryEvidence to satisfy section 58 could include statutory declarations from the Applicant or its conveyancer or lawyer, trust deeds, deeds of appointment of trustees or Court OrdersCertificate of Title (if any) | NA |  NA |
| Vesting – Act or Court Order | Transfer of Land Act – section 59 | NA | Mandatory | NA | NA | OptionalLease, Sub-Lease, Mortgage, Statutory Charge | NA | MandatoryGrounds of ApplicationSet out the section of the Act or the Court Order relied on | OptionalCourt Order  | OptionalCertificate of Title (if any) | NA | NA |
| Vesting – Successor at Law | Transfer of Land Act – section 59A | NA | Mandatory | NA | NA | NA | NA |  NA | NA | MandatoryCEO certificateCertificate of Title (if any) | NA | NA |
| Mortgaged Lease | Transfer of Land Act – section 68 | Mandatory | Mandatory | NA | NA | MandatoryLease | NA | MandatoryMortgage | NA | MandatoryWritten 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 | MandatoryMortgage | NA | NA | NA | MandatoryStatutory 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 | MandatoryConsent from Bishop or Trustees | NA | NA |
| Vesting – Uniting Church | Uniting Church in Australia Act – section 23 | Mandatory | Mandatory | NA | NA | NA | NA | NA | NA | MandatoryConsent under common seal of the Trust | NA | NA |

| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Agreement | Building Act – section 163 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| Notice | Carbon Credits (Carbon Farming Initiative) Act – section 27 | NA | Mandatory | NA | NA | NA | NA | MandatoryDeclaration Reference (EOP number) | NA | NA | NA | NA |
| Notice | Cemeteries & Crematoria Act – section 126 | NA | Mandatory Applicant must be Secretary Department of Health and Human Services | NA | NA | NA | NA | NA | MandatoryPlan or Diagram | NA | NA | NA |
| Creation – Forest Carbon Right | Climate Change Act – section 57 | Mandatory | NA | Mandatory | Mandatory | NA | Mandatory | MandatorySpecify 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 | NA | NA | NA | NA |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Agreement – Forestry and Carbon Management | Climate Change Act – section 58 | NA | Mandatory | NA | NA | NA | NA | MandatoryRelevant interest of the applicant  | MandatoryAgreement | NA | NA | NA |
| Restraining Order | Confiscation Act – section 18 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryRestraining Order | NA | NA | NA |
| Restraining Order | Confiscation Act – section 36M | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryRestraining Order | NA | NA | NA |
| Restraining Order | Confiscation Act – section 40I | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryRestraining Order | NA | NA | NA |
| Agreement | Conservation Forests & Lands Act – section 72 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| Restraining Order | Crimes (Superannuation Benefits) Act – section 34 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryRestraining Order | NA | NA | NA |
| Agreement | Development Victoria Act – section 49 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| Agreement | Docklands Act – section 24 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Covenant – Heritage Council | Heritage Act – section 134 | Mandatory | Mandatory | NA | NA | NA | NA | NA | MandatoryDeed of Covenant | NA | NA | NA |
| Notice | Heritage Act – section 54 | NA | MandatoryApplicant must be Heritage Victoria | NA | NA | NA | NA | MandatoryHeritage Register Number | NA | NA | NA | NA |
| Covenant – National Trust | Heritage Act – section 135 | Mandatory | Mandatory | NA | NA | NA | NA | NA | MandatoryDeed of Covenant | NA | NA | NA |
| Charge | Housing Act – section 67 | NA | MandatoryApplicant must be the Responsible Authority | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Notice | Housing Act – section 110 | NA | MandatoryApplicant must be Director of Housing | NA | NA | NA | Mandatory | NA | NA | NA | NA | NA |
| Notice | Land Acquisition & Compensation Act – section 10 | NA | MandatoryApplicant must be Acquiring Authority | NA | NA | OptionalLease | NA | NA | MandatoryNotice of intention to acquire | NA | NA | Reference to Lease only required where the Lease is to be acquired |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Charge | Legal Aid Act – section 47A | NA | MandatoryApplicant 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 | MandatoryNotice of Intention to Acquire | NA | NA | NA |
| Statement | Planning & Environment Act – section 110 | NA | Mandatory | NA | NA | NA | NA | MandatoryOwners or occupiersCompensation amountSection and Act | NA | NA | NA | NA |
| Agreement | Planning & Environment Act – section 173 | NA | MandatoryApplicant must be Council or Planning Authority (Responsible Authority) | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| Agreement | Planning & Environment Act – section 201SLB | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Notice – GAIC | Planning & Environment Act – section 201UB | NA | MandatoryApplicant must be Commissioner of State Revenue | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| Restraining Order | Proceeds of Crime Act – section 34 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryRestraining 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 | NA | NA | NA | NA |
| 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 | MandatoryAgreement | NA | NA | NA |
| Agreement | Subdivision Act – Section 21 | NA | Mandatory | NA | NA | NA | NA | NA | MandatoryAgreement | NA | NA | NA |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Transfer – Forest Carbon Right | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory | Mandatory | MandatoryCarbon Rights | Mandatory | MandatoryTerm | 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 | MandatoryCourt Order | NA | NA | NA |
| Lease | Transfer of Land Act – section 66 | Mandatory | NA | Mandatory | Mandatory | NA | Optional | MandatoryCommencement DateExpiry DateRentCovenants (if they are not long)MCP reference (if applicable) | OptionalCovenants (long)Lease Plan | NA | Optional | Must be for a term exceeding three yearsIf 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 |
| Sub-lease | Transfer of Land Act – section 71 | Mandatory | NA | Mandatory | Mandatory | MandatoryLease | Optional | MandatoryCommencement DateExpiry DateRentCovenants (if they are not long)MCP reference (if applicable) | OptionalCovenants (long)Lease Plan | NA | Optional | Must be a term of not less than three yearsIf 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  |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Annuity Charge | Transfer of Land Act – section 74 | Mandatory | NA | Mandatory | Mandatory | NA | NA | MandatoryAnnuityHow and when to be paidCovenants (if they are not long)MCP reference (if applicable) | OptionalCovenants (long) | NA | NA | NA |
| Restrictive Covenant | Transfer of Land Act – section 88 | Mandatory | Mandatory | NA | NA | NA | NA | MandatoryBenefited Land | MandatoryDeed of Covenant | NA | NA | Benefited land cannot be the same as the burdened land  |
| No Mortgage Consent – Reinstate lease | Transfer of Land Act – section 88A | Mandatory | MandatoryApplicant must be the Mortgagee | NA | NA | NA | NA | MandatoryMortgage NumberLease NumberSection 77 of Transfer of Land Act appliesWritten consent was not obtained | NA | NA | NA | NA |
| Notice – Statutory Charge | Transfer of Land Act – section 106B | NA | Mandatory | NA | NA | NA | NA | MandatoryAuthorising legislation | NA | NA | NA | NA |
| **Name** | **Legislation** | **Nomination** | **Applicant** | **Relinquishing Party** | **Receiving Party** | **Encumbrance** | **Consideration** | **Additional Details** | **Image Instrument** | **Supporting****Documents** | **Duty** | **Specific Requirements** |
| Covenant | Victorian Conservation Trust Act – section 3A | NA | MandatoryApplicant must be Victorian Conservation Trust | NA | NA | NA | NA | NA | MandatoryDeed of Covenant | NA | NA | NA |
| Agreement | Water Act – section 234 | NA | Mandatory | NA | NA | NA | NA | MandatoryBenefited Land | MandatoryAgreement | NA | NA | NA |
| Decision | Water Act – section 235 | NA | Mandatory | NA | NA | NA | NA | MandatoryBenefited Land | MandatoryDecision | NA | NA | NA |
| Agreement | Water Act – section 244 | NA | Mandatory | NA | NA | NA | NA | MandatoryBenefited Land | MandatoryAgreement | NA | NA | NA |

| **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 | MandatoryAgreement | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Agreement – Forestry and Carbon Management | Climate Change Act – section 65 | NA | Mandatory | NA | NA | MandatoryAgreement | NA | MandatoryRelevant interest of the Applicant:Fee SimpleLeaseholdForest Carbon Right | MandatoryVariation Agreement | NA | NA | NA |
| Agreement | Conservation Forests & Lands Act – section 76 | NA | Mandatory | NA | NA | MandatoryAgreement | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Covenant – Heritage Council | Heritage Act – section 134 | NA | MandatoryApplicant must be Heritage Council | NA | NA | MandatoryCovenant | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Covenant – National Trust | Heritage Act – section 135 | NA | MandatoryApplicant must be National Trust of Australia (Victoria) | NA | NA | MandatoryCovenant | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Notice | Land Acquisition Compensation Act – section 10 | NA | MandatoryApplicant must be Acquiring Authority | NA | NA | MandatoryNotice | NA | NA | MandatoryAmended Notice | NA | NA | NA |
| Agreement – Section 173 | Planning & Environment Act – section 178 | NA | MandatoryApplicant must be theCouncil or Planning Authority (Responsible Authority) | NA | NA | MandatoryAgreement | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Agreement | Planning & Environment Act – section 201SLF | NA | MandatoryApplicant must be Minister for Planning, Commissioner for State Revenue or Victorian Planning Authority | NA | NA | MandatoryAgreement | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Lease | Transfer of Land Act – section 67A | Mandatory | NA | Mandatory | Mandatory | MandatoryLease | NA | OptionalDetails of Variation (if not too long)  | OptionalDetails of Variation (long) | NA | NA | NA |
| Annuity Charge | Transfer of Land Act – section 75A | Mandatory | NA | Mandatory | Mandatory | MandatoryAnnuity Charge | NA | OptionalDetails of Variation (if not too long) | OptionalDetails of Variation (long) | NA | NA | NA |
| Mortgage | Transfer of Land Act – section 75A | Mandatory | NA | Mandatory | Mandatory | MandatoryMortgage | NA | OptionalDetails of Variation (if not too long) | OptionalDetails of Variation (long) | NA | NA | NA |
| Restrictive Covenant | Transfer of Land Act – section 88 | Mandatory | Mandatory | NA | NA | MandatoryCovenant | NA | OptionalBenefited land  | MandatoryCourt 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 | MandatoryAgreement | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Covenant | Victorian Conservation Trust Act – section 3A | NA | Mandatory | NA | NA | MandatoryAgreement | NA | NA | MandatoryVariation Agreement | NA | NA | NA |
| Agreement | Water Act – section 237 | NA | Mandatory | NA | NA | MandatoryAgreement | NA | MandatoryBenefited land | MandatoryVariation Agreement | NA | NA | NA |
| Decision | Water Act – section 237 | NA | Mandatory | NA | NA | MandatoryDecision | NA | MandatoryBenefited land | MandatoryDecision to Vary | NA | NA | NA |
| Agreement | Water Act – section 245 | NA | Mandatory | NA | NA | MandatoryAgreement | NA | MandatoryBenefited land | MandatoryVariation Agreement | NA | NA | NA |

| **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 | MandatoryAgreement | 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 | MandatoryNotice | NA | NA | NA | NA | NA | NA  |
| Agreement | Conservation Forests & Lands Act – section 72 | NA | Mandatory Applicant must be Secretary Department of Environment, Land, Water and Planning | NA | NA | MandatoryAgreement | NA | NA  | NA | NA | NA | NA |
| Restraining Order | Confiscation Act – section 27 | NA | Mandatory | NA | NA | MandatoryRestraining Order | NA | NA | MandatoryOrder | NA | NA | NA |
| Agreement – Forest Rights | Forestry Rights Act – section 10 | NA | MandatoryApplicant must be the forest property owner | NA | NA | MandatoryAgreement | NA | NA | NA | NA | NA | NA |
| Notice | Heritage Act – section 54 | NA | MandatoryApplicant must be Executive Director Heritage Victoria | NA | NA | MandatoryNotice | NA | NA | NA | NA | NA | NA |
| Covenant – Heritage Council | Heritage Act – section 134 | NA | MandatoryApplicant must be Heritage Council | NA | NA | MandatoryCovenant | NA | Mandatory | NA | Copy of Agreement | NA | NA  |
| Covenant – National Trust | Heritage Act – section 135 | NA | MandatoryApplicant must be National Trust of Australia (Victoria) | NA | NA | MandatoryCovenant | NA | Mandatory Prior approval of Heritage Council  | NA | NA | NA | NA |
| Declaration | Housing Act – schedule 6 clause 6 | NA | MandatoryApplicant must be Council | NA | NA | MandatoryDeclaration | NA | NA | NA | NA | NA | NA |
| Charge | Housing Act – section 67 | NA | MandatoryApplicant must be Council | NA | NA | MandatoryCharge | NA | NA | NA | NA | NA | NA |
| Notice | Housing Act – section 110 | NA | MandatoryApplicant must be Council | NA | NA | MandatoryNotice | NA | NA | NA | NA | NA | NA |
| Notice | Land Acquisition Compensation Act – section 10 | NA | MandatoryApplicant must be Acquiring Authority | NA | NA | MandatoryNotice | NA | NA | NA | NA | NA | NA |
| Charge | Legal Aid Act – section 47D | NA | MandatoryApplicant must be Victoria Legal Aid | NA | NA | MandatoryStatutory Charge | NA | NA | NA | NA | NA |  NA |
| Agreement – section 173 | Planning & Environment Act – section 177 | NA | MandatoryApplicant must be Council or Planning Authority (Responsible Authority) | NA | NA | MandatoryAgreement | NA | NA | NA | NA | NA | NA |
| Statement | Planning & Environment Act – section 110 | NA | MandatoryApplicant must be Council or Planning Authority (Responsible Authority) | NA | NA | MandatoryStatement | NA | NA | NA | NA | NA | NA |
| Notice – GAIC | Planning & Environment Act – section 201UC | NA | MandatoryApplicant must be Commissioner of State Revenue | NA | NA | MandatoryNotice | NA | NA | NA | NA | NA | NA |
| Agreement | Planning & Environment Act – section 201SLG | NA | MandatoryApplicant must be Minister for Planning | NA | NA | MandatoryAgreement | NA | NA | NA | NA | NA | NA |
| Restraining Order | Proceeds of Crime Act – section 42 | NA | Mandatory | NA | NA | MandatoryRestraining Order | NA | NA | MandatoryOrder | NA | NA | NA |
| Charge | Proceeds of Crime Act – section 169 | NA | MandatoryApplicant must be Commissioner of Australian Federal Police, Department of Public Prosecutions or an Official Trustee in Bankruptcy | NA | NA | MandatoryStatutory Charge | NA | NA | NA | NA | NA | NA |
| Notice | Retirement Villages Act – section 39 | NA | Mandatory | NA | NA | MandatoryNotice | NA | Mandatory | NA | MandatoryCopy of the government gazette or agreement | NA | NA |
| Charge | Retirement Villages Act – section 32 | NA | Mandatory | NA | NA | MandatoryStatutory Charge | NA | Mandatory | NA | MandatoryCopy of the government gazette, agreement or court order | NA | NA |
| Easement Surrender | Transfer of Land Act – section 45 | Mandatory | NA | Mandatory | Mandatory | NA | Mandatory | MandatoryEasement Number Dominant LandRelinquishing Party Justification | NA | NA | NA | Dealing Requirement –Council consent if carriageway easement |
| Warrant – Satisfaction  | Transfer of Land Act – section 52 | NA | Mandatory  | NA | NA | MandatoryWarrant | NA | NA | NA | MandatoryProof of SatisfactionStatutory 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 | MandatoryApplicant must be the Judgement Creditor | NA | NA | MandatoryWarrant | NA | NA | NA | NA | NA | This application is made under section 52(6A)  |
| Notice of Acquisition | Transfer of Land Act – section 57 | NA | MandatoryApplicant must be Acquiring Authority | NA | NA | MandatoryNotice | NA | NA | NA | NA | NA | NA |
| Surrender of Mortgaged Lease | Transfer of Land Act – section 68 | Mandatory | MandatoryApplicant must be the Lessor | NA | NA | MandatoryLease | NA | NA | NA | MandatoryWritten statement by trustee in bankruptcy disclaiming leaseCopy of lessor’s notice to mortgageeStatutory Declaration as to service of notice on mortgagee | NA | NA |
| Lease – Surrender | Transfer of Land Act – section 69 | Mandatory | NA | Mandatory | Mandatory | MandatoryLease | NA | NA | NA | NA | NA | NA |
| Lease – Determination | Transfer of Land Act – section 70 | Mandatory | Mandatory | NA | NA | MandatoryLease | NA | MandatoryGrounds of ApplicationSet out the paragraph of section 70 relied on | NA | MandatoryEvidence to satisfy section 70 | NA | NA |
| Easement | Transfer of Land Act – section 73 | Mandatory | Mandatory | NA | NA | NA | NA | MandatoryGrounds of ApplicationEasement Number | NA | MandatoryEvidence to satisfy section 73 | NA | Dealing Requirement –Council consent if carriageway easementEvidence 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 |
| Mortgage – Proof of Payment | Transfer of Land Act – section 84 | Mandatory | Mandatory | NA | NA | MandatoryMortgage | NA | MandatoryGrounds of ApplicationSet out the paragraph of section 84(2) relied on | NA | MandatoryEvidence to satisfy section 84(2) | NA | This application relates to section 84(2)See CIB 155 for guidance |
| Annuity Charge – Satisfaction | Transfer of Land Act – section 84 | Mandatory | Mandatory | NA | NA | MandatoryAnnuity Charge | NA | MandatoryGrounds of ApplicationSet out the paragraph of section 84(3) relied on | NA | MandatoryEvidence 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 | MandatoryMortgage | NA | NA | MandatoryTreasurer’s Receipt | NA | NA | NA |
| Restrictive Covenant | Transfer of Land Act – section 88 | Mandatory | Mandatory | NA | NA | MandatoryCovenant | NA | OptionalBenefited land | MandatoryCourt Order or Agreement | NA | NA | Agreement must be between the registered proprietors of all benefited and burdened landBenefited land required where removal by agreement Dealing Requirement –Council consent, if applicable |
| No Mortgagee Consent – Lease | Transfer of Land Act – section 88A | Mandatory | MandatoryApplicant must be the mortgagee | NA | NA | MandatoryLease | NA | MandatoryMortgage NumberSection 77 of Transfer of Land Act appliesWritten consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Variation of Lease | Transfer of Land Act – section 88A | Mandatory | MandatoryApplicant must be the mortgagee | NA | NA | MandatoryVariation of Lease | NA | MandatoryMortgage NumberSection 77 of Transfer of Land Act appliesWritten consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Easement | Transfer of Land Act – section 88A | Mandatory | MandatoryApplicant must be the mortgagee | NA | NA | NA | NA | MandatoryMortgage NumberEasement Number Section 77 of Transfer of Land Act appliesWritten consent was not obtained | NA | NA | NA | NA |
| No Mortgagee Consent – Variation of Easement | Transfer of Land Act – section 88A | Mandatory | MandatoryApplicant must be the mortgagee | NA | NA | NA | NA | MandatoryMortgage NumberVariation of Easement Number Section 77 of Transfer of Land Act appliesWritten consent was not obtained  | NA | NA | NA | NA |
| No Mortgagee Consent – Restrictive Covenant | Transfer of Land Act – section 88B | Mandatory | MandatoryApplicant must be the mortgagee | NA | NA | MandatoryRestrictive Covenant | NA | MandatoryMortgage NumberSection 77 of Transfer of Land Act appliesWritten consent was not obtained  | NA | NA | NA | NA |
| No Mortgagee Consent – Variation of Restrictive Covenant | Transfer of Land Act – section 88B | Mandatory | MandatoryApplicant must be the mortgagee | NA | NA | MandatoryVariation of Restrictive Covenant | NA | MandatoryMortgage NumberSection 77 of Transfer of Land Act appliesWritten consent was not obtained | NA | NA | NA | NA |
| Encumbrance | Transfer of Land Act – section 106 | Mandatory | Mandatory | NA | NA | Optional | NA | MandatoryGrounds of ApplicationEncumbranceExplanation as to how section 106(1)(c) is satisfied | NA | OptionalEvidence 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 | MandatoryApplicant must be the person that benefits from the statutory charge (the Chargee) | NA | NA | MandatoryStatutory Charge | NA | NA | NA | NA | NA | NA |
| Agreement | Water Act – section 237 | NA | Mandatory | NA | NA | MandatoryAgreement | NA | NA | MandatoryAgreement to Revoke | NA | NA | NA |
| Decision | Water Act – section 237 | NA | Mandatory | NA | NA | MandatoryDecision | NA | NA | MandatoryDecision to Revoke | NA | NA | NA |
| Agreement | Water Act – section 245 | NA | Mandatory | NA | NA | MandatoryAgreement | NA | NA | MandatoryAgreement to Revoke | NA | NA | NA |

| **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 | MandatoryPractitioner’s CertificateSearch of title under section 26J of the Transfer of Land ActGeneral law deeds and other supporting evidence | NA | NA |
| Application – Replace Lost or Destroyed Certificate of Title | Transfer of Land Act – section 31 | NA | Mandatory | NA | NA | NA | NA | Optional If one or more of the registered proprietors are deceased set out the name of the deceased and the status of the applicant eg survivor, executor or administrator, mortgagee in possession | NA | MandatoryStatutory Declaration of the registered proprietor or applicant (if not the registered proprietor)Statutory declaration of issue partyStatutory declarations of other parties with subsequent possession, if applicableCompany search, if applicableWhere 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 | MandatoryGrounds of ApplicationName changeReplacement of damaged paper certificate of titleChange in manner of holdingThis can only be:1) a change from joint tenants to tenants in common in equal shares; or2) a change from tenants in common in equal shares to joint tenants | 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 landConsolidation of folios of the Register for separately transferable parcelsNote: The relevant sub-section of section 8A of the Sale of Land Act 1962 must be specifiedCreate separate folios of the Register for interest folios Consolidation of separate interest folios | NA | NA | NA | NA |
| Caveat – Forbidding Vesting | Transfer of Land Act – section 61 | NA | Mandatory | NA | NA | NA | NA | MandatoryUnregistered Application Number | NA | NA | NA | NA |
| Caveat – Forbidding Removal of Easement | Transfer of Land Act – section 73 | NA | Mandatory | NA | NA | NA | NA | MandatoryUnregistered Application Number | NA | NA | NA | NA |
| Variation of Priority of Mortgages | Transfer of Land Act – Section 75B | Mandatory | Mandatory | NA | NA | MandatoryMortgagesThere must be more than one mortgage | NA | MandatoryNew order of priority | NA | NA | NA | All mortgages must affect the same folio(s) of the RegisterAny 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 | MandatoryCaveat | 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 | MandatoryCaveat | NA | MandatoryUnregistered Application Number | MandatoryApproved 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 | MandatoryCaveat | NA | MandatoryApplication NumberGrounds of ApplicationThat the proceeding has been:* discontinued
* withdrawn
* struck out or
* dismissed
 | NA | MandatoryEvidence 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 | MandatoryCaveat  | NA | MandatoryUnregistered Application NumberThis application is abandoned | NA | NA | NA | This application is made under section 89A(3)(a) |
| Caveat – Forbidding Change of Boundaries | Transfer of Land Act – section 100 | NA | Mandatory | NA | NA | NA | NA | MandatoryUnregistered Application Number | NA | NA | NA | NA |
| Application – Correct Errors | Transfer of Land Act – section 103 | NA | Mandatory | NA | NA | NA | NA | MandatoryGrounds of ApplicationSpecify 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 | MandatoryCourt Order, VCAT Order | NA | NA | NA |
| Registrar’s Caveat | Transfer of Land Act – section 106 | NA | Mandatory | NA | NA | NA | NA | MandatoryGrounds of ApplicationSpecify the basis for the application | 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 | MandatoryNew AddressThe 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 | MandatoryMortgage | NA | MandatoryNew AddressThe 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 | MandatoryCaveat | NA | MandatoryNew AddressThe 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 | MandatoryNotice | NA | MandatoryNew AddressThe 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 | MandatoryGrounds of ApplicationSpecify which paragraph of section 116(1) is applicable | NA | NA | NA | NA |