

This guide sets out the requirements to lodge a Transfer of land form under the *Transfer of Land Act 1958*. This form is used to change the ownership of land.

Note: if conveyancers or lawyers represent clients in a Transfer of land that will be signed after 1 March 2018 but will not be lodged with any other transaction document, the Transfer of land must be prepared and lodged via the electronic lodgement network (PEXA), unless an exemption applies – see [Customer Information Bulletin 175](#).

Documents required by Land Use Victoria

Transfer of land

A Transfer of land form must be fully completed and is available on the [Transfer of Land Act](#) page at www.delwp.vic.gov.au/property-forms>Transfer of Land Act>Transfer.

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](#) available at 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](#) available at 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

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](#) page at www.delwp.vic.gov.au/property-forms>Payment and lodgement.

Before lodging at Land Use Victoria

Before lodging your Transfer of land at Land Use Victoria you should inquire as to the assessment and payment of duty at:

State Revenue Office
121 Exhibition Street
Melbourne 3000
T: 132 161
W: 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 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 Title or one or more Pre-lodgement Check(s) can be made through [LANDATA®](#).

Customers who subscribe to a Property Transaction Alert on Title are notified by email when a Certificate of Title has been nominated at Land 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 or
- [a title information broker](#) found at www.delwp.vic.gov.au/property>Property information>Buying and selling property>Brokers and data service providers.

How to complete the Transfer of land form

This form should be completed online and printed for lodgement.

When you have completed the form and are ready to print, click the 'Print Form' button at the end of the form – do not use 'File' then 'Print' or the quick print button at the top of the form.

An error message will appear if all of the mandatory sections are not completed.

If sections of the form are 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.

The points below assist in completing the Transfer of land

Land

Allows entry of the Volume and Folio number of the land being transferred. This number is located in the top right hand corner of your Certificate of Title.

Folio range group

- Ranges can be created on the form by selecting the Folio Range Group box and then keying the Folio...to...

Check this box if you have multiple consecutive Volume and Folio numbers to enter. Enter Volume number and first and last Folio number of range.

If your range of Folios goes across Volume boundaries or you have another range of titles to key, click the Add Land button (see below), check the Folio Range Group button and key the second range.

Volume Folio

- Individual titles can be entered here.

Key the Volume and Folio of the title. If you have a parchment title, with more than three characters for the Folio, key the last three digits only.

Part of the land

- Land description can be keyed.
- Key Volume and Folio number.
- Check Part of Land button.
- When data box opens key land description – e.g. Lot 3 on PS546896P.

Add land

- Any number of Volume Folios may be added in this way.

Check this button to open a new land panel to allow another Volume and Folio, Range of titles or Part of Land to be entered.

Additional notes for Land panel

- The land panel may be left blank to allow the later addition of Volume and Folio if not known at the time of printing. Leave the Volume and Folio blank, save and print.
- Part of land panel to only be used for Partial Land Transfers e.g. LOT 1 on PS123456L. If used as a reference until Volume and Folio are available it must be deleted before printing the form.

Estate and interest

Allows for the estate or interest being transferred to be selected.

- Fee Simple – the whole estate is being transferred.
- Other – three options given:

Life Estate

Leasehold Estate

Remainder Expectant.

Fee simple is the default selection. When there is a different estate or interest being transferred, select the 'Other' radio button and choose appropriate selection from the drop down box.

Transferor/s

Allows for the entry of the transferor/s.

Individual

- Enter the given name/s of the individual.
- Enter the family name of the individual.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna) these are to be keyed in the Family Name panel. The Given Name panel is to be left blank.

Corporation

- Click on Corporation button.
- Enter the name of the corporation as it appears on the title.
- Select the appropriate ACN/ARBN radio button.
- Enter ACN/ARBN number if known, if not known enter a '0' in the first box.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

Name differs to folio

Allows a change of name of a transferor to be shown

- Check the 'Name differs to folio' radio button.
- Enter the name as it appears on the folio.
- Enter the 'Reason for Difference' e.g. marriage or for a corporation – change of name in ASIC.

Add Transferor

Allows for the entry of additional transferors.

- Click this button for an additional Transferor Panel to open.
- Enter the other transferor.

Transferee/s

Allows for the entry of the transferee/s.

Individual

- Enter the given name/s of the individual.
- Enter the family name of the individual.

For long names the panel will wrap the text as it is keyed – TAB out of the panel to see what has been keyed.

For single names (e.g. Madonna), these are to be keyed in the Family Name panel. The Given Name panel is to be left blank.

Corporation

- Click on Corporation button.
- Enter the name of the corporation.
- Select the appropriate ACN/ARBN radio button.
- Enter ACN/ARBN number if known, if not known enter a '0' in the first box.
- Enter Australian Credit Licence number if known, leave blank if not known.

When entering the corporation's name DO NOT use punctuation unless it forms part of the official name of the corporation, e.g. W. H. HAIL PTY LTD.

Add Transferee

Allows for the entry of additional transferee/s.

- Click this button for an additional Transferee panel to open.
- Key the other transferee/s.

Manner of holding

Allows for the manner of holding of the transferees to be selected.

If there is only one transferee the manner of holding will default to Sole Proprietor. If two or more transferees are entered you can choose how they will hold the land.

- Joint Proprietors – when a joint proprietor dies that person's interest passes to the survivors.
- Tenants in Common – when a tenant in common dies that person's interest passes according to their will or the laws of intestacy.

equal shares – all transferees will hold equal shares, e.g. two transferees will hold a half share each, three transferees will hold a one third share each, etc.

unequal shares – the amount of shares each transferee is to hold must be entered. The form will calculate the total shares.

- Other – can be used for all other manner of holding e.g. Life Estate/Remainder Expectant.

Address/es of transferee/s

Address of transferee 1

- Allows for entry of the address for notices to be mailed in the future.
- Unit – enter unit/flat/apartment number.
- Street No – enter property number.
- Street Name – enter the name of the street etc.
- Street Type – choose from drop down list.
- Locality – enter suburb or town.
- State – choose state from drop down list.

- Postcode – enter postcode of suburb or town.

Address of transferee 2

If there are multiple transferees check the radio button that applies to each additional transferee.

- Same as Transferee 1 – all transferees have the same address.
- Different Address – one or more of the transferees that is different to the first transferee.

Consideration

Allows for the circumstances of the transfer to be entered.

Monetary

- Key amount paid for the property in data box in whole dollars.
- When you tab out the form will automatically add punctuation.

Non-monetary

If the transfer is for other than monetary amounts check the Non-monetary radio button. A drop-down box will appear giving you four options.

- 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.

Covenants

Allows for the creation of a restrictive covenant. A covenant can be created via this form using an MCP reference number.

There are two radio buttons with the default set to 'No'.

Check radio button 'Yes' if a covenant is being created and further data entry boxes will appear.

Benefited Land

Allows the entry of the details of the land benefited by the Restrictive Covenant. Benefited land can be identified by reference to a Volume and Folio number or multiples, a Volume and Folio range or multiples, to a Memorandum of Common Provisions (MCP) or multiples or a combination of any of these elements.

MCP

- Enter the MCP number which contains the Benefited Land description.

Add MCP

- Check this button to open another data panel to allow the entry of a second MCP number

Volume/Folio

- Enter the Volume and Folio number of the Benefited Land

Add land

- Any number of Volume Folios may be added in this way.

Check this button to open a new land panel to allow another Volume and Folio or Range of titles to be entered.

Folio range group

- Ranges can be created on the form by selecting the Folio Range Group box and then keying the Folio...to...

Check this box if you have multiple consecutive Volume and Folio numbers to enter. Enter Volume number and first and last Folio number of range.

If your range of Folios goes across Volume boundaries or you have another range of titles to key, click the Add Land button, check the Folio Range Group button and key the second range.

Restrictive covenant

Allows the entry of the MCP number that creates the Restrictive Covenant

MCP

- Enter the MCP Number that creates the Restrictive Covenant

Add MCP

- Check this button to open another data panel to allow the entry of a second MCP number

Expiry date

- Enter the expiry date of the covenant, if applicable, via the drop-down calendar or key the date in the following format DD/MM/YYYY.

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:

- Individual's name – the individual will be signing in his/her own right.

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:

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

- Corporation's Name – Corporation will sign in their own right.

A drop down box will appear giving two options.

Execute using a Common Seal – three options:

- Multi-person Company – Director and Director or Director and Secretary sign
- Sole-person Company – Sole Director and Secretary sign
- Sole-person Company – Sole Director signs.
- Execute without a Common Seal – three options
- Multi-person Company – Director and Director or Director and Secretary signs
- Sole-person Company – Sole Director and Secretary sign
- Sole-person Company – Sole Director signs.

If choosing 'Execute using a Common Seal' or 'Execute without a Common Seal' you will be given three options to choose from. With each option extra boxes will appear where the director's or secretary's full name must be keyed.

The document needs to be signed by the Director/or Secretary and the common seal affixed (if applicable) 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. Representation will need to be obtained.

Unrepresented Other Organisation

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

- Leave Blank – allows for a manual keying of signing clause.

The usual signing clause for the organisation can be keyed and names and titles of those signing can be inserted.

The document needs to be signed by the persons authorised to sign on behalf of the organisation in front of the Approved Identity Verifier (Australia Post) who will witness the document and 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 organisation. Representation will need to be obtained.

For all parties represented by a conveyancer or lawyer

Represented Individual

If a party is an individual, the following signing options will appear:

- Individual's Name
- Electronic Lodgement Network Subscriber
- Australian Legal Practitioner
- Licensed Conveyancer
- Law Practice
- Conveyancing Practice
- Leave Blank – allows for a manual keying of signing clause.

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

The options presented are:

- Representing another
- Representing self.

Signer panels:

- Name – full name of person signing
- Organisation – full name of conveyancing firm or law firm for whom the person signing works.

Represented Corporation

If a party is a corporation, the following signing options will appear:

- Corporation's Name
- Authorised deposit taking Institution
- Electronic Lodgement Network Subscriber
- Australian Legal Practitioner
- Licensed Conveyancer
- Law Practice
- Conveyancing Practice
- Leave Blank.

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

The options presented are:

- Representing another
- Representing self.

Signer panels:

- Name – Full name of person signing
- Organisation – Full name of conveyancing firm or law firm for whom the person signing works.

Represented Organisation

If a party is an Organisation, the following signing options will appear:

- Organisation's Name
- Australian Legal Practitioner
- Licensed Conveyancer
- Law Practice
- Conveyancing Practice
- Leave Blank.

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

The options presented are:

- Representing another
- Representing self.

Signer panels:

- Name – full name of person signing

Organisation – full name of conveyancing firm or law firm for whom the person signing works

Authorised Deposit taking Institution

If signing is by an Authorised Deposit taking Institution the following options are given:

- Attorney (Under Power of Attorney)
- Execute using a common seal
- Execute without a common seal.

In each case further data boxes will appear for the names of the person(s) signing, and in the case of an Attorney, the number of the Power of Attorney to be completed.

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

Electronic Lodgement Network Subscriber

If being signed by an Electronic Lodgement Network Subscriber the following options are given:

- Attorney (Under Power of Attorney)
- Execute using a common seal
- Execute without a common seal.

In each case further data boxes will appear for the names of the person(s) signing, and in the case of an Attorney, the number of the Power of Attorney to be completed.

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

Date

Allows for the form to be dated.

- Enter the date via the drop-down calendar or key the date in the following format DD/MM/YYYY.

Lodging party

This section of the form allows for the entry of the details of the person or corporation lodging the form at Land Victoria.

Lodging Party has a customer code

- Enter customer code in the data box provided.

Lodging party does not have a customer code

- Check 'the lodging party does not have a customer code' button. Extra boxes will open.
- Enter given and family names of lodging party or check the 'Corporation' button and enter corporation name.
- Enter address of lodging party.

Reference field

- This is used to indicate the reference for YOUR client.
- It may also be used to show a phone number.

Additional information

Allows for entry of any additional information that cannot be included in the data panels.

Enter additional information below

- Check the radio button and a free text data box will appear at the top of the next page.
- Key any additional information here.

Notes for Additional information

- This section is not to be used for the creation of a covenant or easement within the transfer. The Transfer of land 45-2TLA form is to be used for these purposes.
- The use of this section is for extra data that may not fit readily in the form – e.g. a complex or overseas address (see below –Unusual Circumstances).

Save button

To save your completed or partially completed form, click the 'save' button at the bottom of the form and chose where on your computer to store your document. Do not use 'File' then 'Save' or the quick save button at the top of the form.

Unusual circumstances

These instructions are for the instances when unusual circumstances exist in a transfer of land.

How the 'Additional information' page would be used to key a complex or overseas address for a transferee

- Customer to key transferee names.
- In address of transferee panels, data to be keyed as follows:
 - UNIT/STREET NO – to be left blank

- STREET NAME – key a full stop
- STREET TYPE – select connection
- LOCALITY – key a full stop
- STATE – choose VIC
- POSTCODE – key a '0'
- At the bottom of the form check the 'Enter additional information below' radio button.
- A free text data box will open on the next page.
Key the heading 'Address of transferee' then key the full address.

How to include tenants in common in unequal shares where joint proprietors hold a share

This situation occurs where there is a tenancy in common, and within one or more of the tenancy groups there is a joint proprietorship.

Example:

John and Mary Citizen as joint proprietors of a two-thirds share, and

Bill Citizen as sole proprietor of one-third share

- Customer when preparing the form will key all transferees into the Transferee panels.
- 'Manner of Holding' will be selected as 'Tenants in Common in Unequal Shares'.
- Share portions to be keyed as follows:
 - John Citizen 2
 - Mary Citizen 0
 - Bill Citizen 1
 - Total Shares 3

This will ensure that the correct Manner of Holding is captured for each tenancy group.

Contact us

For [location and contact details](#), refer to www.delwp.vic.gov.au/property>Contact us.

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