Guide to discharges of mortgage or charge



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About this guide

This guide sets out the requirements to lodge a discharge of mortgage or charge (discharge) under the *Transfer of Land Act 1958* (TLA) to discharge a registered mortgage or charge.

**Note:** If a discharging mortgagee is an Authorised Deposit-taking Institution within the meaning of the *Banking Act 1959,* a discharge of mortgage signed on or after 1 August 2016 must be lodged using an Electronic Lodgment Network (ELN). This guide does **not** apply to those lodgments.

A discharge can be lodged on paper at Land Use Victoria if an exception applies. One exception is if the mortgagee is not represented by a conveyancer or lawyer. This guide applies to those lodgments.

Documents required by Land Use Victoria

1.
2.

Discharge of mortgage or charge

The approved form for a discharge is available at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration/fees-guides-and-forms)and must be fully completed.

Certificate(s) of Title

Prior to lodging your discharge, the Certificate(s) of Title for the land affected must either be nominated or be held by you. 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).

A Register Search Statement (commonly referred to as a ‘title search’) shows whether a Certificate of Titles is a pCT or an eCT and, if it is an eCT, who has control of it.

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

* held by you; or
* held by a financial institution, conveyancer or lawyer or other party (for example an accountant).

If you cannot find the pCT, refer to the Guide to replacing a lost or destroyed Certificate of Title – Non-represented parties at [*Fees, Guides and Forms | Land Use Victoria*](https://www.land.vic.gov.au/land-registration/fees-guides-and-forms).

If the Certificate of Title is an eCT it will be in the control of:

* a Subscriber to an ELN, for example, a conveyancer or lawyer or financial institution, who must nominate the eCT to the paper instrument; or
* the Registrar of Titles (Registrar).

Represented or ELN Subscriber lodging party

If the lodging party of the paper lodgment is represented and/or is an ELN Subscriber and the Certificate of Title is:

* a pCT, the person in possession of the pCT must convert the pCT to an eCT and nominate the eCT to the paper instrument.
* An eCT and control of the eCT is not held by the Registrar, the eCT must be nominated by the eCT Control to the paper instrument.
* an eCT and control of the eCT is held by the Registrar, the registered proprietor’s representative must first apply to take control of the eCT from the Registrar, then nominate the eCT to the paper instrument.

Non-represented lodging party

If the lodging party of the paper lodgment is non-represented and is not an ELN Subscriber and the Certificate of Title is:

* a pCT held by the lodging party, the pCT must be provided at lodgment.
* a pCT held by someone other than the lodging party, the person holding the pCT must complete an Application to nominate a paper Certificate of Title available at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration%3Efeesguides%20and%20forms).
* an eCT and control of the eCT is not held by the Registrar, the eCT must be nominated by the eCT Control to the paper instrument.
* an eCT and control of the eCT is held by the Registrar, no action is required by the lodging party.

For over-the-counter lodgments by non-represented parties, the applicant/s must provide a properly completed prescribed [statutory declaration](https://www.land.vic.gov.au/__data/assets/word_doc/0030/698610/Statutory-Declaration-OTC-Discharge-of-mortgage.docx) located at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration%3Efeesguides%20and%20forms). Unless an eCT is in the control of the Registrar, fees may apply for someone other than the lodging party to supply or nominate the Certificate of Title.

More information can be found in the Certificates of Title and Administrative Notices guide at: [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration/fees-guides-and-forms).

After your discharge and any associated instruments have been processed, eCT Control will be held by the person nominated as eCT Control at the time of lodgment or control will be given to the Registrar.

Property Title Alert(s)

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.online*](https://www.landata.online/) or an authorised information broker.

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

A Pre-lodgement Check is made prior to lodgment 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.

More information can be found at [*Where to find information about land titles | Land Use Victoria*](https://www.land.vic.gov.au/land-registration/for-individuals/where-to-find-information-about-land-titles).

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 the Guide to verification of identity for paper conveyancing transactions for conveyancers, lawyers and mortgagees available at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration/fees-guides-and-forms).

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, including Registry instruments. For further information, refer to the Guide to verification of identity for people not using a conveyancer or lawyer available at [*Verification of identity | Land Use Victoria*](https://www.land.vic.gov.au/land-registration/for-professionals/verification-of-identity).

Supporting statutory declaration for non-represented parties

For lodgments by non-represented parties, the applicant/s must provide a properly completed [statutory declaration](https://www.land.vic.gov.au/__data/assets/word_doc/0030/698610/Statutory-Declaration-OTC-Discharge-of-mortgage.docx) in the form located at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration/fees-guides-and-forms)*.*

# Fees

Land Use Victoria fees are payable at lodgment.

Lodgment fees are available at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration/fees-guides-and-forms)*.* Acceptable payment methods are available at [*How to pay | Land Use Victoria*](https://www.land.vic.gov.au/land-registration/first-time-here/common-mistakes#heading-13)

# How to complete the approved form for a discharge of mortgage of charge

This form should be completed online and printed for lodgment.

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 discharge of mortgage or charge

1.
2.
3.

Land

Allows for entry of the volume and folio number of the land being mortgaged. This number is located in the top right-hand corner of a pCT or Register search statement (commonly referred to as a ‘title search’).

Folio range group

Ranges can be created on the form by selecting the ‘Folio range group’ box and then typing into the ‘Folio…to…’ field.

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 the range of folios have different volume numbers or you have another range of titles to key, click the ‘Add Land’ button (see below), check the ‘Folio Range Group’ button and type in the second range.

Volume Folio

The volume and folio number for an individual folio of the Register can be entered here.

Type in the volume and folio of the folio of the Register. If you have a pCT with more than three characters for the folio, type in the last three numbers only.

Part of the land

Land description can be typed in.

* Type in volume and folio number.
* Check ‘Part of land’ button.
* When data box opens type in land description – e.g. “Lot 3 on PS546896P”. The description must be a whole lot/crown allotment on a multi-lot folio.

Add land

Any number of volume folios may be added in this way.

Check this box to open a new land panel to allow another volume and folio, Range of titles Part of land to be entered.

Mortgage or charge number

Allows for entry of the mortgage or charge number being removed from the folio of the Register.

Mortgage number

Mortgage or charge number being removed.

Select the appropriate ‘Mortgage number’ or ‘Charge number’ button.

Type in the number exactly as shown on the folio of the Register.

Mortgagee(s)

Allows for entry of the mortgagee(s) name which in most cases will be the same as that shown in the Register search statement.

Mortgagee(s)

Mortgagee name(s) must be entered.

#### Individual

* Enter the given name(s) of the mortgagee as it/they appear(s) on the folio of the Register.
* Enter the family name of the mortgagee as it appears on the folio of the Register.

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

For single names (e.g. Madonna), these are to be typed 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 Register search statement.
* Select the appropriate ACN/ARBN button.
* Enter ACN/ARBN if known
* 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.

#### Other Organisation

* Click on the ‘Other Organisation’ button.
* Enter the name of the organisation.
* Select the appropriate ACN/ARBN button.
* Enter ACN/ARBN if known, if not known enter ‘0’ in the first box.

When entering the organisation’s name DO NOT use punctuation unless it forms part of the official name of the organisation.

Add Mortgagee(s)

Allows for the entry of additional mortgagees.

Check this box to open a new ‘Mortgagee/s’ panel to allow another mortgagee to be entered.

Signing

A discharge 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 ELN Subscriber.

Non-represented Individual

If you are 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 discharge needs to be signed in front of the Approved Identity Verifier (Australia Post), who will witness you signing the discharge at the same time as verifying your identity.

See Verification of identity earlier in this guide.

Note:  An Attorney cannot sign on behalf of a non-represented individual. A conveyancer or lawyer will need to be engaged if an attorney under a power of attorney wishes to sign the discharge.

Non-represented Corporation (Company)

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

* Corporation’s Name – Corporation will sign in its 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 typed in.

The company officer(s) need to sign the discharge after affixing the common seal (if used) in front of the Approved Identity Verifier (Australia Post), at the same time as verifying the company officer(s) identity.

See Verification of Identity earlier in this guide.

Note: A person other than a Director, Secretary or sole Director and Secretary cannot sign on behalf of a non-represented corporation. Representation will need to be obtained.

Non-represented Other Organisation

If the party is a different type of legal entity (for example, a Council, statutory body or an Incorporated Association) which 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 typed in including names and roles of those signing.

The authorised person(s) need to sign the discharge in front of the Approved Identity Verifier (Australia Post) at the same time as verifying the authorised person(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.

Represented parties

If a mortgagee is represented by a conveyancer or lawyer or are an Authorised Deposit Taking Institution or another type of ELN Subscriber the following signing options should be selected:

#### Individual Represented by a Conveyancer or Lawyer or who is a Conveyancer or Lawyer

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 an Australian Legal Practitioner or a Licensed Conveyancer employed by a lawyer represents a party, ‘Australian Legal Practitioner’ or ‘Licensed Conveyancer’ should be selected.

If a non-practitioner employee of an Australian Legal Practitioner is signing an instrument on behalf of a client, then ‘Law Practice’ should be selected.

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

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

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.

#### Corporation Represented by a Conveyancer or Lawyer or who is a Conveyancer or Lawyer

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 an Australian Legal Practitioner or a licensed conveyancer employed by a lawyer represents a party, ‘Australian Legal Practitioner’ or ‘Licensed Conveyancer’ should be selected.

If an Australian Legal Practitioner represents a party, ‘Australian Legal Practitioner’ should be selected. If a non-practitioner employee of an Australian Legal Practitioner is signing an instrument on behalf of a client, then ‘Law Practice’ should be selected.

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

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

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.

#### Organisation Represented by a Lawyer or Conveyancer or who is a Lawyer or Conveyancer

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 an Australian Legal Practitioner or a Licensed Conveyancer employed by a lawyer represents a party, ‘Australian Legal Practitioner’ or ‘Licensed Conveyancer’ should be selected.

If an Australian Legal Practitioner represents a party, ‘Australian Legal Practitioner’ should be selected. If a non-practitioner employee of an Australian Legal Practitioner is signing an instrument on behalf of a client, then ‘Law Practice’ should be selected.

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

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

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.
* Mortgagee employee

In each case further data boxes will appear for the names of the person(s) signing, and in the case of an Attorney, the date of the power of attorney must be typed in the Registration Number box in the following format DD/MM/YYYY.

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

#### Electronic Lodgment Network Subscriber

If being signed by an ELN Subscriber the following options are given:

* Attorney (Under Power of Attorney)
* Execute using a common seal
* Execute without a common seal.
* Mortgagee employee

In each case further data boxes will appear for the names of the person(s) signing, and in the case of an Attorney, the date of the power of attorney must be typed in the Registration Number box in the following format DD/MM/YYYY.

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

Date

Allows entry of the date the discharge is signed.

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 Use 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’ box. An additional panel will appear.

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 any reference you have used for the discharge.

It may also be used to show a phone number.

Save Button

To save your completed or partially completed form, click the ‘Save’ button and chose where on your computer to store your document.

Unusual circumstances

These instructions are for the instances when unusual circumstances exist in a discharge.

*

## Discharging an old law mortgage

In the ‘Mortgage or Charge Number’ panel you leave the selection as ‘Mortgage number’ and type in ‘A000000’.

Print the discharge.

Hand amend the mortgage number from ‘A000000’ to the appropriate Book & Page number e.g. “BK 125 PG 658”

All hand amendments must be initialled by the person amending the document.

## Discharging a mortgage over a lease or sub-lease

You would type in volume and folio affected by the lease or sub-lease.

The ‘Part of Land’ panel would then be selected and the words “Lease affected – AB123456L” or “Sub-lease affected – AB123456L” typed in.

Mortgage number being discharged would be typed in the ‘Mortgage or Charge number’ panel.

Contact us

For location and contact details, refer to [*Contact Us | Land Use Victoria*](https://www.land.vic.gov.au/contact-us)