# New Guide Available

## Guide to notices of action and litigation affecting the Register of land

Land Use Victoria (LUV) has published a ‘Guide to Notices of Action and Litigation Affecting the Register of Land’, available online at [land.vic.gov.au](https://www.land.vic.gov.au/).

LUV receives many queries about notices of action. To address this, the guide provides information on notices of action and litigation, including details about court orders that impact the Register of land.

# Control of electronic certificates of title (eCT) for road and reserve folios upon registration of a plan of subdivision

From 21 October 2024, control of electronic certificates of title (eCT) for roads and reserves created in a plan of subdivision will be issued based on the vesting authority’s status as an Electronic Lodgment Network (ELN) subscriber.

* + If the vesting authority is an ELN subscriber, it will receive eCT control.
	+ If the vesting authority is **not** an ELN subscriber, control will be issued to the Registrar of Titles.

For authorities that are not ELN subscribers:

* + eCT functionality for their customer codes will be removed.
	+ The Registrar of Titles will hold control of eCTs for all existing folios.

## Interim process for transactions

If a transaction requires an eCT that is controlled by an authority that is not an ELN subscriber, the ELN subscriber representing the authority (its conveyancer or lawyer) should:

1. Submit a request through the online enquiry form to update control to the Registrar of Titles; then
2. Request control of the eCT using the Administrative Notice ‘Request control of eCT from Registrar of Titles’.

For more details on these changes, see the [Guide to Certificates of Title and Administrative Notices](https://www.land.vic.gov.au/__data/assets/word_doc/0030/711498/Guide-to-Certificates-of-Title-and-Administrative-Notices-August-2024.docx).

# SPEAR Electronic Lodgment Network (ELN) requisition process for lodging parties

The SPEAR ELN streamlines the submission process for lodging parties, ensuring efficient handling of plans and related instruments. The below outlines the withdrawal process for a SPEAR ELN instrument (application) resulting from an LUV requisition.

## Lodgment and withdrawal process

Once a lodging party submits an application using ‘pay and lodge’, the application is electronically lodged at Land Use Victoria. Therefore, following lodgment:

1. The application cannot be amended.
2. All fees paid are non-refundable.

If deficiencies arise that require an amendment to the application, the application must be withdrawn with the written consent of the lodging party.

The associated plan can continue to be amended without withdrawal.

## Steps for withdrawing an application ‘lodged at Land Use Victoria’

The LUV examiner requests written consent to withdraw using the ‘request amendment to applicant documents’ function in SPEAR.

The lodging party selects ‘submit response to LUV requisition’ under ‘mandatory actions’ in SPEAR and provides written consent to withdraw the application.

Once LUV receives the response, the LUV examiner withdraws the application, and the lodging party receives an email confirmation.

To re-submit for lodgment, the lodging party selects ‘open application for re-lodgment’ under ‘other actions’ to make the necessary amendments.

After making the amendments, the lodging party submits the application for a pre-lodgment check, followed by the ‘pay and lodge’ process.

Once electronically re-lodged, the LUV examiner receives an email notification from SPEAR and continues processing.

If further assistance with SPEAR is required, please contact the SPEAR Service Desk:

T: (03) 9194 0612

E: spear.info@transport.vic.gov.au

W: <https://www.spear.land.vic.gov.au/spear/>

# Lodging an application under section 49 of the Transfer of Land Act 1958

An executor or administrator of a deceased registered proprietor can apply under section 49 of the Transfer of Land Act 1958 (TLA) to be registered as the proprietor of the deceased’s land.

## Stating representative capacity

The representative capacity must be stated in the application. The capacity “with Limitation” must be selected if the limitation restricts the powers of the executor or administrator to act on behalf of an estate.

When to select “with Limitation”

Select “with Limitation” if the grant restricts the powers of the executor or administrator. Examples include:

* Ad colligendum bona – Powers are limited to collecting and preserving at-risk assets.
* Durante dementia – Powers apply only until the beneficiary obtains a grant in their own right.
* Pendente lite – Powers are limited to preserving assets pending the outcome of legal proceedings.
* Ad litem – Powers are restricted to representing the estate in legal proceedings.
* Guardians of minors – Powers are limited to the minors’ use and benefit until they turn 18.

If an executor is appointed with limitations, the application must be submitted in paper using the TLA – Section 104 (Generic Residual Document).

All other section 49 applications, including those from an administrator with limitations, must be lodged electronically.

When “with Limitation” is not required

The following do not limit the powers of an executor or administrator and do not require the “with Limitation” selection:

* A grant made on a copy of a will, limited until the original or a more authentic copy is proved.
* A grant made to an attorney, where the sole executor or person entitled to a grant of administration is resident outside Victoria, limited until they obtain a grant.

# Company and organisation names

ABR Integration in PEXA

From 11 November 2024, PEXA integrated with the Australian Business Register (ABR) in the ‘Add/Edit Party’ function.

PEXA subscribers acting on behalf of organisations or companies can now use a lookup feature when entering party details. This allows for the automatic retrieval and verification of organisation information, aiding identification of the party as a legal entity.

## Abbreviations in the Register

LUV abbreviates all company and organisation name extensions in the Register, including:

* LIMITED → LTD
* PROPRIETARY LIMITED → PTY LTD
* PTY. LTD. → PTY LTD
* INCORPORATED → INC

LUV does not accept applications under section 27A of the Transfer of Land Act 1958 to amend the above abbreviations of a company or organisation name.

# Enhanced Section 104 Generic Residual Document

The Generic Residual Document is an electronic submission used to lodge scanned (PDF) copies of paper instruments that are exempt from being lodged electronically.

With this enhancement, Subscribers can now provide more context about their lodgment through the PDF attached to the Generic Residual Document.

Key Enhancements

1. Land Titles
* Subscribers can now enter the folio reference(s) for the land dealt with in the paper instrument(s).
* There is no limit to the number of folios that can be entered.



1. Instruments
	* Subscribers must select at least one instrument type from the list provided.
	* Up to eight instrument types can be identified.



The [electronic submission of paper instruments](https://www.land.vic.gov.au/land-registration/for-professionals/our-electronic-lodgment-program/electronic-submission-of-paper-instruments) page has been updated to reflect these changes.

# Lease Dealing Requirement

Dealing Requirements apply to instruments lodged using an Electronic Lodgment Network (ELN), except for the SPEAR ELN.

The Dealing Requirement ‘Lease not required to be assessed for duty or lease assessed for duty’ must be specified in the Lodgment Instruction when lodging a lease or sub-lease under section 66 or 71 of the Transfer of Land Act 1958.

For leases and sub-leases, the Subscriber must ensure that the lease or sub-lease:

* Does not require assessment for duty, or
* Has been assessed by the State Revenue Office.
* For more information on Dealing Requirements, see the [Guide to dealing requirements](https://www.land.vic.gov.au/__data/assets/word_doc/0036/597960/Guide-to-dealing-requirements.docx).

# Owners Corporation Manager on Owners Corporation report

LUV has received enquiries about the Owners Corporation Manager field on Owners Corporation reports.

If this field displays Nil, it means no manager was recorded when the plan was registered. However, a manager may have been appointed since then.

For the most up-to-date information, contact the relevant Owners Corporation directly.

For more details, visit the Consumer Affairs Victoria website: Consumer Affairs Victoria: <https://www.consumer.vic.gov.au/>.

# Subscriber Compliance Guidance

ARNECC has updated its Subscriber Compliance Common Errors paper. This will help subscribers understand common errors found in compliance examinations across jurisdictions.

The paper is available on the ARNECC website: Subscriber Compliance Guidance (<https://www.arnecc.gov.au/publications/subscriber_compliance_guidance>).

Subscribers should review the paper to understand common issues to improve their compliance with the Participation Rules.

# Contact us

For location and contact details, please go to <http://www.land.vic.gov.au/contact-us>.