Guide to caveats



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About this guide

This guide sets out the requirements to lodge a caveat under the *Transfer of Land Act 1958*.

Note: as a caveat is mandated to be lodged in an Electronic Lodgment Network (ELN), paper caveats should not be submitted unless an exception applies. One exception is when the caveator(s) is not represented by a conveyancer or lawyer. This guide applies to those lodgments.

Documents required by Land Use Victoria

Caveat

The approved form for a caveat 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.

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. 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 lodgments by non-represented parties, the applicant/s must provide a [prescribed statutory declaration](https://www.land.vic.gov.au/__data/assets/word_doc/0038/698609/Statutory-Declaration-OTC-Caveat.docx) 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 lodgement.

Lodgement 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 caveat

This form should be completed online and printed for signing and 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 not all the mandatory sections are 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 a caveat

Land

Allows for the entry of the volume and folio number(s) of the affected folio(s) of the Register.

Folio range group

Ranges can be created on the form by selecting the ‘Folio Range Group’ box and then typing in 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, click the ‘Add Land’ button (see below), check the ‘Folio Range Group’ box, and type in the second range.

Volume Folio

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

Insert volume and folio number(s) of affected folio(s), e.g., “volume 12345 folio 125”.

Part of the Land

A 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”.

Add Land

Any number of folios may be added.

Check this box to open a new ‘Land’ panel to allow another volume and folio, range of folios 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 caveats.

Caveator(s)

Allows for the entry of the caveator(s).

Individual

* Click on the ‘Individual’ button.
* Type in the given name(s) of the caveator.
* Type in the family name of the caveator.

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 the ‘Corporation’ button.
* Enter the name of the corporation.
* Select the appropriate ACN/ARBN button.
* Enter ACN/ARBN.

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.

Name differs to folio

Allows for a change of name of a caveator to be shown.

Select the ‘Name differs to folio’ button.

Enter the full name as it appears on the folio (title).

Enter the ‘Reason for Difference’ e.g., “marriage”, or for a corporation “change of name in ASIC”.

Add Caveator

Allows for the entry of additional caveators.

Click this button for an additional ‘Caveator’ panel to open.

Enter the other caveator.

Claim category

Select the appropriate category from the drop-down box that best describes the claim. Only one claim category may be selected in any caveat. The default is Agreement/Contract, which may be changed.

The choice made here will drive options you are given in the subsequent three panels.

Note: the claim category does not print on the form.

Grounds of claim

Based on the selection in the claim category, you are presented with a list of options from the drop-down box. Only one ground of claim may be selected. For assistance in this, please refer to the Guide: Grounds of claim for Caveat available at [*Fees, Guides and Forms | Land Use Victoria*](http://www.land.vic.gov.au/land-registration/fees-guides-and-forms)

Parties

If the grounds of claim require the entry of parties and date, these must be included here.

Check the appropriate button for the parties to the claim:

‘The Registered Proprietor(s’)

‘Other’

Both of the above.

If choosing ‘The Registered Proprietor(s)’, the claim must be between the caveator(s) and the registered proprietor(s) (including sole, one, more or all).

If choosing ‘Other’, the claim must be between the caveator(s) and a party other than the registered proprietor(s). If ‘Other’ is chosen, a box to enter the name of the other party is provided.

If choosing ‘Both of the above’, the claim must be between the caveator(s), the registered proprietor(s) (including sole, one, more or all) and another party. If ‘Both of the above’ is chosen, a box to enter the name(s) of the other parties is provided.

Date of claim

Allows for the entry of the date of the instrument subject of the claim.

Enter the date using the drop-down calendar.

The date of the instrument the subject of the claim must be entered. This is a mandatory requirement.

Estate or interest claimed

Based on the selection in the ‘Grounds of claim’ you are presented with a list of options from the drop-down box. Only one estate or interest may be selected.

Choose the appropriate estate or interest claimed from the drop-down list provided.

Prohibition

Based on the selection of the estate or interest you are presented with a list of options from the drop-down box. Only one prohibition may be selected.

Choose the appropriate prohibition from the drop-down box provided.

Address for service of notice

An address for service of notice for the caveator(s) must be provided. This address serves as the delivery point for any notices relating to the caveat.

Select either ‘Australian Address’ or ‘Overseas Address’ button.

Australian Address

Enter the lawyer/conveyancer/firm name or the name of the individual to whom the notices are to be sent.

If left blank, the notices will be sent to the caveator(s) at the address provided in this section.

Allows for the entry of address for service of notice:

Property name – enter the building name.

Unit Type – select from drop-down list.

Unit Number to Unit number – enter unit/flat/apartment number.

Floor Type – select from drop-down list.

Floor Number – enter floor number.

Floor Suffix – enter floor suffix number.

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.

Overseas Address

Enter the lawyer/conveyancer/firm name or the name of the individual to whom notices are to be sent.

If left blank, the notices will be sent to the caveator(s) at the address provided in this section.

Enter the address in the three free text boxes provided.

Note: two lines of upper-case information per box can be entered.

Please note that a ‘care of’ or ‘post office box’ is not an acceptable address.

Signing

A caveat 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 caveat needs to be signed in front of the Approved Identity Verifier (Australia Post), who will witness you signing the caveat 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 caveat.

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 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 typed in.

The company officer(s) need to sign the caveat 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 an 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 keyed and names and roles of those signing.

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

See Verification of Identity earlier in this guide.

Note: An Attorney cannot sign on behalf of an non-represented organisation. Representation will need to be obtained.

Represented Party

If a caveator 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 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 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.

##### 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.

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 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 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 for entry of the date the caveat is signed.

Enter the date using 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 caveat 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. 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 any reference you have used for the caveat.

It may also be used to show a phone number.

Save button

To save your completed or partially completed caveat, click the ‘Save’ button 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.

Contact us

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