

# Guide to caveat

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

## Documents required by Land Victoria

### Caveat

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

### 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](http://www.delwp.vic.gov.au/property-forms) available at [www.delwp.vic.gov.au/property-forms](http://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](http://www.delwp.vic.gov.au/property-forms) available at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Verification of identity.

## Fees

Land Victoria fees are payable at lodgement.

Acceptable payment methods and lodgement fees are available on the [Forms, guides and fees](http://www.delwp.vic.gov.au/property-forms) page at [www.delwp.vic.gov.au/property-forms](http://www.delwp.vic.gov.au/property-forms)>Payment and lodgement.

## How to complete the Caveat 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 not all of 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 the Caveat form

### Land

Allows entry of the Volume and Folio number of the land being transacted.

#### 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 box and key the second range.

#### Volume Folio

- Individual titles can be entered here.

Insert Volume and Folio number(s) of affected title(s), e.g. Volume 12345 Folio 125.

#### 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 caveats e.g. LOT 1 on PS123456L. If used as a reference until Volume and Folio is available, it must be deleted before printing the form.

### Caveator/s

Allows for the entry of the caveator/s.

Select the appropriate radio button for 'Individual' or 'Corporation'.

#### Individual

- Key the given name/s of the caveator.
- Key the family name of the caveator.

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' radio button
  - enter the name of the corporation
  - select the appropriate ACN/ARBN radio button
  - enter ACN/ARBN 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.

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## Name differs to folio

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

- Select the 'Name differs to folio' radio button.
- Enter the full 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 Caveator

Allows for the entry of additional caveators.

- Click this button for an additional Caveator panel to open.
- Key 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.

## Parties

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

Check the appropriate radio 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 and the registered proprietor(s).

If choosing 'Other', the claim must be between the caveator and a party other than the registered

proprietor. 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, the registered proprietor(s) 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 of claim.

- Enter the date using the drop down calendar.

The date of the instrument of 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 must be provided. This address serves as the delivery point for any notices relating to the caveat.

Select either 'Australian Address' or 'Overseas Address' radio button.

### Australian Address

Enter the lawyer/conveyancer/firm name or the name of the individual to whom the notice is to be sent.

If left blank, the notice will be sent to the caveator/s at the address provided in this section.

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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 notice is to be sent.

If left blank, the notice 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 keyed.

## Signing

The form must be signed by a representative of the caveator or by the caveator. The default for signing is an Australian Legal Practitioner as a representative of the caveator.

If form is being signed by a representative check the appropriate radio button for the person/firm signing:

- Australian Legal Practitioner
- Licensed Conveyancer
- Agent.

Enter the name/company in the box provided.

## Additional information

Written proof of agency must be supplied where an agent signs for the caveator(s) unless the agent is an Australian Legal Practitioner, or licensed conveyancer.

The proof can be in the form of a letter appointing an individual on letterhead stationery, (if appropriate), signed personally by the caveator or, if a company, its usual mode of signing will be acceptable.

For practical purposes it is preferable that the letter authorises the agent to execute caveats and withdrawals of caveat.

## If the form is being signed by the caveator

Check the 'Caveator' radio button.

Each caveator must sign.

Depending on whether the caveator is an individual or a corporation, a different signing clause will display.

For an individual, the options are:

- Individual's Name – the individual will sign in his/her own right
- Other Power of Attorney – certified copy of Power of Attorney is required
- General/Enduring Power of Attorney – no copy required if in the Victorian form
- Leave Blank – allows for a manual keying of the signing clause.

If a Power of Attorney option is chosen, separate boxes will open to allow for the attorney's name and the date of the power to be entered.

For a corporation, the options are:

- Leave Blank – used for Power of Attorney signing and allows for signing clause to be entered manually

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- Execute using a Common Seal – three options:
  - Multi-person Company
  - Sole-person Company
  - Multi-person Company – one director only signs
- Execute without a Common Seal – three options:
  - Multi-person Company
  - Sole-person Company
  - Multi-person Company – one director only signs.

If choosing 'Execute using Common Seal' or 'Execute without 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 and usual address must be keyed.

The form must then be signed by the director and/or secretary and the Common Seal affixed (if applicable).

If using the option 'Multi-person Company – one director only signs', the usual proofs (copy of company constitution or letter from legal practitioner) are required to be presented at the time of lodging the caveat.

## Date

Insert the date the form is signed.

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

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## 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 a client's reference or reference relevant to the caveator.
- 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.

## Contact us

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

## Accessibility

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