

# Application

Form A3.1

*These Guidance Notes are of a general nature and are not intended to, and cannot, replace the advice of a Legal Practitioner or Registered Conveyancer.*

Form A3.1 is to be used for Applications for which there is no specified form, and an associated dealing number is to be referenced for the purposes of withdrawing, rescinding, discharging, cancelling, varying or extending.

When the form is used for the purpose of:

- a. Noting the cancellation of a Retirement Village, use prefix CR
- b. Noting discharge or removal of subsidiary interests such as where a restraining order has lapsed, use prefix AX.
- c. Noting discharge of charge Pursuant to s 8 of the Enforcement of Judgments Act 1991, use prefix DA
- d. Noting Satisfaction of Warrant of Sale, use prefix WW
- e. Withdrawal of Warrant of Sale use prefix WW
- f. Order of Court –
  - Discharging a noted Order of Court, use prefix OD
  - Miscellaneous e.g. extending/varying, dealing with a subsidiary interest, use prefix CO2
- g. Agreement (e.g. Land Management) -
  - Rescinding, use prefix RA
  - Varying, use prefix VA
- h. Heritage Agreement -
  - Terminating, use prefix TH
  - Varying, use prefix VA

All panels must be completed or struck through. If insufficient space, use approved annexure sheets. If more than one page is used, each must be numbered consecutively, e.g. 1-10, 2-10; 1/10, 2/10 or 1 of 10, 2 of 10.

**All handwriting must be clear and legible in permanent, dense, rapid drying black or blue ink.**

The Registrar-General *may refuse* to accept for registration any instrument, annexure sheet or additional or inserted sheet that does not comply with the provisions of LTO panel form standards.

**APPLICATION TO.....**

Nature of the application must be specified, e.g. Application to Register Order of Supreme Court.

## INSTRUMENT

The associated dealing must be identified by its registered number. If unregistered, identify it by referring to the parties and the date of the document, e.g. *“(Insert Dealing type) dated (insert date of dealing) between (Insert names of parties to the dealing) to be lodged contemporaneously herewith.”*

## LAND DESCRIPTION

Indicate whether dealing with the whole or portion of the land comprised in the CERTIFICATE OF TITLE (CT) or CROWN LEASE (CL). If portion only, identify the relevant portion by reference to an appropriate parcel.

**WHOLE** - e.g. "Whole of the land in CT Volume \_\_\_\_\_ Folio \_\_\_\_\_"

or "Whole of the land in CL Volume \_\_\_\_\_ Folio \_\_\_\_\_"

**PORTION** - e.g. "Allotment 4 in DP 42361 being portion of the land in CT Volume \_\_\_\_\_ Folio \_\_\_\_\_".

## ESTATE & INTEREST

Insert "FEE SIMPLE", "CROWN LESSEE", "MORTGAGEE under Mortgage No....." or "LESSEE under Lease No..... etc." whichever the case may be. If dealing with the less than the entirety, the quantum of the estate or interest being dealt with must be specified: e.g. "FEE SIMPLE in 1 / 2 share".

## APPLICANT

Full name and current address to be stated.

## SPECIFY NATURE OF APPLICATION

Specify the nature of this application by using the words; "The applicant applies to ..... on the certificate(s) of title for the land above described", or as appropriate.

## CERTIFICATION

Any inapplicable certification statement(s) must be deleted.

Certification statements must be made by the Certifier, being one of the following:

- a. A legal practitioner
- b. A registered conveyancer
- c. If the applicant is not represented by a legal practitioner or registered conveyancer – the applicant (i.e. self-represented party)
- d. If a party to an instrument is not represented by a legal practitioner or registered conveyancer – that party (i.e. self-represented party)

All certifications apply where the Certifier is a registered conveyancer or legal practitioner, signing on behalf of their client.

The first two listed certifications do not apply where the Certifier is a self-represented party. Self-represented parties (including registered conveyancers or legal practitioners acting on their own behalf) are only required to make certifications relating to retaining evidence to support the registry instrument or document and ensuring the registry instrument or document is correct and compliant with relevant legislation and any prescribed requirement.

Note: - An attorney or a body corporate cannot make certification statements.

The Registrar-General's [Verification of Identity](#) and [Verification of Authority](#) requirements must always be complied with.

Penalties of up to \$10,000 or 2 years imprisonment apply, where a prescribed person provides a false certification under section 273(1) of the *Real Property Act 1886*.

## ANNEXURE

It will be necessary to use an annexure sheet (Form B1) if there is insufficient space in a panel for the text or to complete remaining certifications.

An annexure sheet to an instrument must:

- a. be in the format of Form B1 and identified therein as an annexure to the parent instrument;
- b. be referred to in the appropriate panel in the body of the instrument;
- c. be affixed securely and permanently to the top left-hand corner of the instrument. The annexure and instrument must not be bound;
- d. comply with the requirements in Form B1 Guidance Notes.

FORM A3.1 (Version 1)



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