

Frequently Asked Questions

SPEAR Electronic Lodgment Network

1. What is the SPEAR Electronic Lodgment Network (ELN)?

The SPEAR ELN allows lodging party subscribers to lodge Subdivision Act applications electronically at Land Use Victoria, including:

- completion of application lodgment and owners corporation forms
- provision of relevant supporting documents
- validation of information prior to electronic lodgment
- payment of lodgment fees to Land Use Victoria.

2. How can I become a SPEAR ELN subscriber?

Lodging parties interested in becoming a SPEAR ELN subscriber will need to:

- read and comply with the SPEAR Electronic Lodgment Network Participation Rules
- register their interest online
- obtain a digital certificate
- book a sign-up appointment
- participate in a free training session.

More information about becoming a SPEAR ELN subscriber is available on the SPEAR website: SPEAR Home (www.spear.land.vic.gov.au) > Lodging Parties > [How do I get Started?](#)

3. How much does it cost?

There is no cost to use SPEAR, however you will need to purchase a digital certificate through Symantec for each user that will be signing the electronic lodgment and owners corporation forms. A digital certificate is not required for users that will be viewing and completing documents ready for signing, or submitting applications for lodgment at Land Use Victoria.

Digital certificates are valid for two years. See the Symantec website for current costs associated with purchasing a digital certificate: <https://symantec-gatekeeper.com.au/price>

4. Who is entitled to digitally sign registry instruments in Victoria?

Organisation type	Australian Legal Practitioner	Licensed Conveyancer	Supervised non-practitioner employee
Australian Legal Practitioners and Law Practices	Yes	Yes	No
Licensed Conveyancers and Conveyancing Practices	-	Yes	Yes

For more information, visit the Australian Registrars' National Electronic Conveyancing Council website:

ARNECC Home (www.arnecc.gov.au) > Resources > [Guidance from practitioner regulators](#)

Government Organisations and land developers representing themselves should ensure Registry Instruments are digitally signed by an authorised signatory within their organisation.

5. Can I use the same digital signing certificate that I use for PEXA?

SPEAR uses ABN–DSC Gatekeeper certificates issued by Symantec. If you use a Symantec-issued certificate for PEXA, this will also work in SPEAR. If your PEXA digital certificate was not issued by Symantec, you will need to obtain a new digital certificate from Symantec for use in SPEAR.

6. Can payments be made in SPEAR?

Subdivision lodgment fee payments must be made at the time of lodgment by direct debit with an existing Land Use Victoria customer account or credit card. SPEAR will display the fee amount to be paid.

7. What will happen if there is not enough money in the bank account for a transaction?

If a credit card payment is declined, lodgment will not proceed. For direct debit payments, lodgment will proceed but plans will not be registered until lodgment fees are paid. Please note that you may be charged a fee by your bank for any dishonoured payments.

8. How are Certificates of Title dealt with?

All Certificates of Title will need to be nominated by the controlling party using the existing processes – i.e. paper or PEXA. SPEAR ELN Subscribers in possession of paper certificates of title can convert them to electronic certificates of title and nominate them to a SPEAR application electronically.

More information about nominating paper certificates of title is available on the SPEAR website: SPEAR Home (www.spear.land.vic.gov.au) > Lodging Parties > [How do I nominate paper titles?](#)

9. What is the process for dealing with consents, for example caveators' consent?

All consents will need to be supplied as PDFs in SPEAR.

10. Will the surveyor notify the lodging party when the plan is released for lodgment?

Yes, the lodging party will be notified automatically by SPEAR when the plan is released for lodgment by the surveyor.

11. Is there a follow up email to the lodging parties if they have taken no action after a certain period?

SPEAR will notify all users 12 months, 6 months, 3 months and 1 month before a plan's five year certification expires.

12. Can SPEAR check if the Certificates of Title have been made available/nominated? Can the lodging party be notified when it has?

Where Certificates of Title are required to be nominated, SPEAR will check that this is the case before allowing the application to be submitted to Land Use Victoria. Nominations occur outside of SPEAR so there is currently no ability to notify the lodging party when Certificates of Title have been nominated.

13. Will lodging in SPEAR eliminate the need to complete the plan lodgment checklist?

Yes, completing the mandatory actions in SPEAR to enable plan lodgment (forms, fees, titles, consents, street addressing, survey documents and follower transactions for s.35 and 'Not in Common Ownership' subdivisions) renders the plan lodgment checklist redundant.

14. How does the fee calculator work? Who inputs the variables? Can these be overridden?

The lodging party will enter into SPEAR the variables required for fee calculation – i.e. the number of parcels being created or the plan purpose/s (Section 32 subdivisions only). The plan acceptance officer will confirm or amend these values and the final fee will be calculated by the Victorian Online Titles System (VOTS) and presented to the lodging party in SPEAR at the time of lodgment.

15. Are there extra 'made available/nomination' fees for lodging party nominated Certificate of Titles?

The *Subdivision (Registrar's Fees) Regulations 2016* does not specify a fee for nominating or making a title available.

16. How are Owners Corporation forms dealt with?

If applicable to the subdivision, the Owner's Corporation Additional Information forms (OC1 and OC2) are required to be completed and digitally signed in SPEAR. These will form part of the electronic lodgment. Where provided by the surveyor, the information on this form will be prepopulated by SPEAR, however lodging parties can amend this prior to signing the form.

The Owners Corporation Rules form (OC5) will be an optional action for lodging parties and will allow a PDF containing the rules to be uploaded. This will also be required to be digitally signed.

17. When can the application form be started/completed?

Lodging parties will be able to access SPEAR when they are invited by the surveyor. This can occur at any point between the surveyor lodging the initial application with the council and the application being released for lodgment.

The lodging party will be given the ability to create the application lodgment form when the plan is certified by council. This allows a copy of the certified plan and application form to be provided to the mortgagee when seeking consent for the subdivision.

The validation and electronic lodgment process can begin once the plan has been released for lodgment by the surveyor.

NOTE: Forms may need to be amended and re-signed at a later date if application details such as the plan number or dealing type are changed by the surveyor.

18. Will the lodging party be advised if there are survey requisitions on the plan (for example, as minor amendments are made by the surveyor)?

Yes, SPEAR will automatically send an email notification to the lodging party when these changes are requested by Land Use Victoria and a subsequent notification when they are made by the surveyor.

19. Will the lodging party be advised of refusal reasons at lodgment?

Yes, refusal notices will be generated in VOTS and loaded into SPEAR. The lodging party can amend and re-submit their application following a refusal.

20. Will the lodging party be notified of registration or are they still required to sign up to the dealing alert system in LANDATA?

SPEAR will notify the lodging party of registration by email.

21. Will title allocations be sent directly to lodging parties?

Details of new title allocations, including newly created volume/folios, will be available to lodging parties in SPEAR immediately upon registration.

22. Are there any issues when Section 173 agreements are lodged (before plan or with plan)? What if council requires a Section 173 agreement to be lodged/registered before SOC is issued? Can SPEAR record the dealing number and/or notify when it has been registered?

Lodgment and registration of Section 173 agreements occur outside of SPEAR so there is currently no ability to record the dealing numbers or notify the lodging party when they have been registered.

23. What is the process for a lodging party organisation taking over from another firm half way through a transaction? Will the application be viewable to the new organisation?

The surveyor will need to nominate the new lodging party to give them access to the application. All of the previous lodging party's documents will be removed automatically and the new lodging party can begin the application process.

If the transfer is to a paper lodging party, the lodgment would revert to the paper process.

24. Who can lodge applications through SPEAR?

Lodging party users can be set up with different authentication levels in SPEAR. These allow:

- **Standard users** – viewing of documents, completion of forms and uploading of documents
- **Password users** – all of the above, plus submission at Land Use Victoria and payment of lodgment fees
- **Signing users** – all of the above, plus signing of forms.

25. How does a leader or follower dealing get lodged?

Lodging parties will be able to specify details of any leader or follower dealings, such as transfers, that apply to the subdivision application. Land Use Victoria will ensure the subdivision is fit to be lodged before requesting lodgment of the leader or follower dealing/s in paper. The lodging party must pay for and lodge the subdivision before the leader or follower dealing/s can be lodged.

It is anticipated that leader or follower dealings will be able to be lodged using PEXA in future.