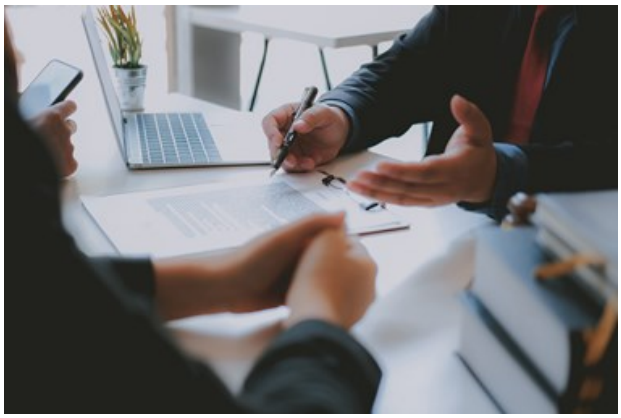


Can I apply for a grant of probate in Victoria?

Author: Kerry-Ann Smith
Email: kerryann@smithfamilylaw.com.au
Date: **Monday July 6, 2026**

To apply for a Grant of Probate or Letters of Administration in Victoria, the deceased must have owned property in Victoria at the time of their death. If they held no Victorian assets, the Supreme Court of Victoria will refuse the application, even if the deceased lived in Victoria or made their Will here.

This blog explains when the Court will grant probate or letters of administration in Victoria, how asset location is determined, and what happens if a grant has already been made in another state.

What is a grant of probate?

A Grant of Probate is a document issued by the Court or the registrar of probates in response to an application by the executor or executors of a Will. Where the deceased left no valid Will, the Court or registrar of probates will issue a grant of Letters of Administration instead, usually to the person with the largest entitlement in the estate. Grants of Probate or Letters of Administration are issued electronically on RedCrest-Probate. They can be accessed by the applicant, that is, normally the executor or in the case of there being no valid Will, the proposed Administrator, by logging into their RedCrest-Probate account.

The Grant of Probate will contain the details of the deceased, including their name, address and occupation, their date of death, and details of the person who has made the application including their name and address. The document also contains the date of issue of the grant and the type of grant the Court or registrar of probates has made, such as probate or letters of administration. The grant also contains the seal of the Supreme Court of Victoria.

Must the deceased have left property in Victoria for a grant to be made?

The existence of property in Victoria is an essential factor for a Grant of Probate or Letters of Administration to be obtained in Victoria. It is therefore necessary for the person making the application for the Grant of Probate or letters of administration to show that there was property of the deceased within Victoria at the time of their death. This is the case even if the deceased lived in Victoria at the time of their death, or at the time they made their Will.

Furthermore, if the deceased owned assets in several jurisdictions, such as in Victoria and another Australian State or States, it is only necessary for one asset to be located in Victoria in order for the Court or registrar of probates to make a grant of representation in Victoria.

When a Grant of Probate or Letters of Administration is applied for, the executor or proposed Administrator must prepare and lodge an Inventory of Assets and Liabilities of the estate. This document must distinguish those assets or property of the deceased that are located within Victoria, and those assets or property that are located in another jurisdiction or State.

Where must assets be located for a grant to be made in Victoria?

Ascertaining whether some types of property or assets exist or are located within Victoria will be relatively straightforward. For example, land that is physically located within Victoria is obviously a Victorian asset and therefore the applicant will be able to show in this instance that the deceased held property in Victoria at the time of their death.

The location of the following assets, and therefore whether an application for a grant of representation can be made in Victoria, are less straightforward:

1. Chattels, such as household furniture, jewellery, art and personal effects: the jurisdiction in which the chattels are located will generally be applicable.
2. Shares: these are located where the share register is kept by the company. This is the place where the shares are actually registered.
3. Bank accounts: the location of a bank account will be the actual office or branch where the account is kept.
4. Motor vehicles: the location of a motor vehicle will be the place where it was registered.

What if the deceased left assets in Victoria and a grant of probate is made in another State?

Generally, a grant of representation in Victoria will only authorise the executors or administrators of an estate to deal with assets located within Victoria. Likewise, if a Grant of Probate or Letters of Administration is made outside of Victoria, the grant will not be recognised in Victoria, and the executor or administrator will not be able to deal with any assets of the estate within Victoria.

In order for a ‘foreign grant’, that is a grant made overseas or in another Australian State, to be recognised in Victoria, and in order for the executor or administrator of the estate to administer and deal with any Victorian assets of the deceased, the grant would need to be resealed in Victoria. Once the grant is resealed in Victoria, the executor or administrator is then able to make title to those assets and collect and deal with them in accordance with the deceased person’s Will.

If the Victorian estate consists only of shares however, any grant of representation made in another Australian State will not need to be resealed in Victoria. This is because the Victorian grant will be recognised by Australian companies having registers in other States.

All applications for a reseal of a foreign grant in Victoria must be filed online via Redcrest-Probate.

Get help with probate in Victoria

Smith Family Law can help you to determine if you, as a named executor in a Will, or a person close to the deceased where they left no valid Will, should make an application for a grant of probate or letters of administration in Victoria. If you are facing a situation where you are unsure which State to apply for a grant of representation and whether your application should be lodged in Victoria, contact us today and speak to one of our wills and estate lawyers.

Contacting Smith Family Law

03 8625 8957

info@smithfamilylaw.com.au

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.