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VERIFICATION OF IDENTITY AND E-CONVEYANCING

Following the passing of the *Electronic Conveyancing Act 2014* (the Act) by the WA Parliament in April 2014, the Western Australian Registrar of Titles determined the *Participation Rules and Operating Requirements* for Western Australia (WA).

A key part of this new regulatory structure is the verification of identity requirements for electronic conveyancing (e-conveyancing) transactions. These requirements are set out in the *Participation Rules* and are consistent nationally.

In June this year, WA implemented Release 1 of the national e-conveyancing system, which now allows financial institutions to transact land title documents electronically in WA.

Compliance with the WA Registrar and Commissioner of Titles Joint Practice: Verification of Identity (WA VOI Practice) came into effect from 1 July 2012 for paper transactions. It is a critical step in minimising the risk of land title fraud in the State.

The WA VOI Practice is at Chapter 14 in Edition 12.0 of the Land Titles Registration Practice Manual.

Compliance to the VOI Practice and E-conveyancing

Some financial institutions have queried that the verification of identity regime, as outlined in the *Participation Rules* for electronic conveyancing, are different to WA VOI Practice – and as a result, they have to undertake verification of identity to different standards to meet both the e-conveyancing *Participation Rules* **and** WA VOI Practice.

This is not the case.

Both the *Participation Rules* and the WA VOI Practice adopt the ‘reasonable steps’ approach to verification of identity. If the verification of identity standard for e-conveyancing, as outlined in the *Participation Rules*, is met then the standard in the WA VOI Practice is also deemed to be met. This is because the standards are similar.

In applying VOI, the individual circumstances for each verification needs to be considered. As a consequence, the abovementioned standards are not the only ways to satisfy the reasonable steps requirement. The verifying person must take reasonable steps relevant to the specific circumstances in order to satisfy that requirement. However, if the verifying person complies with the standards, they will be deemed to have taken reasonable steps to verify the identity of the mortgagor/client.

To comply with the WA VOI Practice the Statement by Lawyer/Conveyancer/Mortgagee is still required in accordance with section 14.4.7.4 of the LTRPM.

WA VOI Practice is being reviewed

WA's Registrar of Titles and Commissioner of Titles are currently reviewing the WA VOI Practice to better align it with the e-conveyancing *Participation Rules*. We encourage conveyancers to implement the verification of identity requirements in the *Participation Rules* into their policies and procedures.

Edition 12.0 of the Land Titles Registration Practice Manual can be found [here](#).

Information about the WA Registrar and Commissioner of Titles Joint Practice: Verification of Identity Practice can be found [here](#).


Information about national e-conveyancing and the *Participation Rules* can be found [here](#).

For further information please contact Landgate Customer Service on (08) 9273 7341 or email customerservice@landgate.wa.gov.au

Regards



Susan Dukes
Commissioner of Titles



Jean Villani
Registrar of Titles