PAPER CONVEYANCING IN VICTORIA – NEW VERIFICATION OF IDENTITY PROCESS

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Real Estate Alert

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For consistency between procedures for paper and electronic conveyancing, Land Victoria has introduced a new verification of identity process which must be complied with before lodging any paper instrument or dealing with Land Victoria.

As of 9 November 2015, parties to paper dealings must undergo a process to verify their identity before the dealing will be accepted for registration at Land Victoria. Lawyers, mortgagees and conveyancers must take reasonable steps to verify your identity when acting for you in these transactions. This process involves a standard procedure of a face-to-face interview (VOI Interview) at which you must produce documents to verify your identity.

Set out below is important information including who may perform the verification process, the process itself and the documents that may be used to verify your identity.

THE VERIFICATION PROCESS SIMPLIFIED

Natural Persons

A person must have their identity verified if they are a party to a paper dealing to be lodged with Land Victoria. They may be signing as a party or acting on behalf of a party. (For example, a director of a corporate entity or a person signing under a power of attorney.)

The verification process comprises three key elements:

1. verification of your identity
2. verification that you are a legal person
3. verification that you have the right to enter into the transaction.

If we are acting for you in connection with a matter that involves a paper based dealing at Land Victoria, we are required to verify your identity at a VOI Interview. The VOI Interview may be with us or with a third party Identity Agent authorised by us. [1] At the VOI Interview, you will be requested to produce original identification documents (Identity Documents) to formally verify your identity. Acceptable forms of identity documents include a passport, driver's licence and a birth or citizenship certificate.

The person conducting the interview is required to take a copy of these documents which will be retained for nine years from the date of your VOI Interview.

Once completed, a VOI Interview remains current for two years.

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Corporate Entities

Corporate entities must also have their identity verified. This involves us undertaking a company search and a VOI Interview with the relevant authorised signatories of the corporate entity. Where a power of attorney is in place, the VOI Interview will be with the appointed attorney. The power of attorney itself must also be reviewed (as is usually the case).

Relevant corporate and trust documents must also be provided for review, to satisfy the third key element of the verification process.

Verification of Persons Overseas

Presently there is no formal process to verify the identity of a person residing out of Australia. If you are currently residing out of Australia and are contemplating being a party to a land transaction in Victoria, we invite you to contact us to discuss how to best verify your identity.

Multiple Paper Dealings

Standard sales and acquisitions of land generally involve multiple paper dealings to complete the land transaction. E.g. A purchaser of land who obtains finance to fund the acquisition will be party to both a mortgage and a land transfer dealing. In this case, both the purchaser's mortgagee and the purchaser's lawyer will have separate verification requirements that will need to be satisfied. In this circumstance, we would work with you to minimise unnecessary duplication of the VOI Interview process.

WHO MAY PERFORM THE VERIFICATION OF IDENTITY

The VOI Interview may be conducted by us or by a third party Identity Agent authorised by us to undertake the verification on our behalf.

The circumstances surrounding the transaction and your location will largely determine if an Identity Agent is needed.

We would be happy to discuss with you the most appropriate and convenient verification method for you.

RECOMMENDED NEXT STEPS

If you are currently actively involved in Victorian land transactions or have any proposed Victorian land transactions in the pipeline, we invite you to arrange a VOI Interview with us.

If you would like to make an appointment with us by 26 February 2016, we would be happy to make a member of our legal team available to conduct the VOI interview at no cost to you.

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[1] An Identity Agent is an agent, appointed by K&L Gates, under a written verification agency agreement. That agreement sets out the standards and responsibilities of the Identity Agent in performing VOIs on behalf of K&L Gates. The Identity Agent must guarantee that the processes carried out by its personnel and field representatives strictly conform to the VOI standards set out in Land Victoria's requirements.

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