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| Guide to conveyancers and lawyers when dealing with people who are not represented |

This guide explains what conveyancers and lawyers can expect when a party to their client’s conveyancing transaction is not represented by a conveyancer or lawyer.

Version 1 of the Registrar's Requirements for paper conveyancing (Registrar’s Requirements) was published on 30 September 2015. Among other things, the Registrar’s Requirements formalised existing prudent practice for solicitors and conveyancers, which is to take reasonable steps to verify their clients’ identities. The Registrar’s Requirements also sets out that a party not represented by a conveyancer or lawyer (non-represented party) needs to have their identity verified and their signing of the conveyancing document witnessed by an Approved Identity Verifier.

This requirement applies to all conveyancing documents signed by a non-represented party on or after 1 December 2015.

For details of the Registrar’s Requirements see ‘Further information’ at the end of this guide.

Who is a non-represented party?

A non-represented party is a person who is required to sign a conveyancing document and is not represented by a conveyancer or lawyer.

This does not include:

* a conveyancer, lawyer, authorised deposit-taking institution (ADI), which includes most financial institutions or a PEXA subscriber
* a mortgagor whose mortgagee is represented by a conveyancer or lawyer, or is an ADI or a PEXA subscriber
* an attorney pursuant to a power of attorney or a person who is outside Australia – these people will need to be represented by a conveyancer or lawyer.

Note: A company, council, government body or statutory agency is represented if it has appointed its in-house Australian Legal Practitioner or Licensed Conveyancer as its Representative. In this case, the in-house conveyancer or lawyer can conduct the verification of identity of the signatories in accordance with Registrar’s Requirement 3.1.2(a).

What are the verification of identity requirements for a non-represented person?

Under Registrar’s Requirement 3.1.8 non-represented parties must have their identity or the identities of their signatories verified by Australia Post. At the same time, Australia Post will witness the signing of any conveyancing document(s) and, where there is provision for a witness signature on the conveyancing document, sign that document as witness.

What should a conveyancer or lawyer do if a party to their client’s conveyancing transaction is not represented?

The conveyancer or lawyer should refer the non-represented party to Land Victoria’s *Guide to verification of identity for people not using a conveyancer or lawyer*, available from the link below. A non-represented party must download and complete the Non-represented party (Victoria only) Land title identity verification form (EIS outlets only). Non-represented parties are not to use any other land title identity verification form. For example, a conveyancer or lawyer should not provide their identity verification form to a non-represented party.

The conveyancer or lawyer should:

* ask the non-represented party for the original or a copy of their Land Title EIS ID Check/Verification of Identity Check receipt
* ensure that this original or copy receipt is attached to the conveyancing document(s) to be lodged at Land Victoria.

Australia Post will send a verification of identity file to the Registrar of Titles. This file will contain copies of the conveyancing document(s), identity document(s), Australia Post’s certification and a photograph of the signatory.

Verification of identity records will be referenced by the Registrar when the conveyancing document is lodged for registration at Land Victoria.

Verification of identity records are not part of the Register and are therefore not publicly available.

Further information

[Registrar’s Requirements for paper conveyancing transactions](http://www.dtpli.vic.gov.au/property-and-land-titles/publications) under Section 106A of the *Transfer of Land Act 1958* at [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)>Property and land titles>Property information>Publications

[Land Victoria’s Guide to verification of identity for people not using a conveyancer or lawyer](http://www.delwp.vic.gov.au/property-and-land-titles/forms,-guides-and-fees) available from [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)>Property and land titles>Forms, guides and fees

Contact us

For [location and contact details](http://www.dtpli.vic.gov.au/property-and-land-titles/contact-us), refer to [www.delwp.vic.gov.au](http://www.delwp.vic.gov.au)>Property and land titles>Forms, guides and fees>Contact Land Victoria.

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