

Circular

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Commencement of Conveyancing Rules and introduction of the National Verification of Identity (VOI) framework to paper conveyancing

The *Real Property Amendment (Electronic Conveyancing) Act 2015* introduced a new section 12E into the *Real Property Act 1900* which allows the Registrar General to make Conveyancing Rules. The Conveyancing Rules will largely parallel provisions in the Participation Rules for electronic conveyancing. The Rules will align paper conveyancing practices and workflows with those developed for electronic conveyancing and will be implemented in stages.

Conveyancing Rules - Version 1

Version 1 of the Conveyancing Rules was published on the LPI website on 28 March 2016. The rules in Version 1 standardise formal verification of identity and authority requirements across all conveyancing in New South Wales including:

- requirements for verification of identity
- requirements for verifying authority (right to deal)
- supporting evidence requirements
- provisions for certifications on paper transactions.

Verification of identity

This rule applies to Australian legal practitioners, law practices and licensed conveyancers. They must take reasonable steps to verify the identity of clients or their agents, and persons to whom certificates of title are given.

The rule takes effect on 1 May 2016. However, the Registrar General is allowing a transition period of three months with full compliance required from 1 August 2016 inclusive.

Authority (Right to Deal)

This rule requires Australian legal practitioners, law practices and licensed conveyancers to take reasonable steps to verify that any client is a legal person and has the right to enter into a conveyancing transaction. Similar requirements apply to mortgagees and representatives of a mortgagee.

This rule takes effect on 1 May 2016. However, the Registrar General is allowing a transition period of three months with full compliance required on and from 1 August 2016.

Supporting evidence

From 1 August 2016, a party or their representative must retain the evidence supporting a dealing for at least seven years from the date of lodgment of the dealing.

Certifications on paper dealings

This rule applies to witnessing and execution of paper dealings. It replicates and continues unchanged the certification requirements that were previously set out in section 117 of the *Real Property Act 1900* and Clause 22 of the *Real Property Regulation 2014*.

More information

The Conveyancing Rules – Version 1 are published on the [LPI website](#).

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been superseded