

BULLETIN NO. 226 | 20 DECEMBER 2012

The Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity: IMPLEMENTATION INFORMATION

On 2 January 2013 full compliance with the Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity (referred to here as the 'VOI Practice') is expected for all specified documents lodged at Landgate. The VOI Practice applies to the parties specified and to these specified document types:

- Transfer of Land
- Mortgage
- Request for Duplicate Certificate of Title
- Application for Replacement or Lost Duplicate Certificate of Title
- Transmission Application
- Survivorship Application
- Power of Attorney*

*The VOI Practice does not apply to Enduring Powers of Attorney made under the *Guardianship and Administration Act 1990*.

The VOI Practice does not apply to documents made under the *Land Administration Act 1997*.

Where can I get a copy of the VOI Practice?

The up to date VOI Practice (dated 23 October 2012) is available at Chapter 14 of the Land Titles Registration Practice Manual ('Manual'). This was explained in CIB No 223 dated 29 October 2012. Chapter 14 of the Manual can be downloaded from Landgate's corporate website [here](#).

Lodgement

To comply with the new requirements, the specified documents (listed above) should be lodged with an original, signed 'Statement' in accordance with section 14.4.7.4.1 of the VOI Practice. The Statement may be made on letterhead or as a statutory declaration. It is intended that the Statement will be incorporated into the body of the approved form mortgage and transfer documents. However, this option is not yet available.

On 2 January 2013 Landgate Acceptance Officers will commence checking that all specified document types are accompanied by a Statement. In circumstances where a Statement has been omitted, the lodging party will be advised prior to lodgement of the non compliance with the VOI Practice.

The Statement is not a mandatory requisite for lodgement. If the lodging party instructs that lodgement continue, without the Statement, the specified document will be accepted and subjected to the usual examination processes undertaken by the Registrar of Titles or Commissioner of Titles. Document examiners will be checking for compliance with the VOI Practice requirements prior to finalising the transaction or effecting registration or noting.

Requisitions and Stopped Documents

Where non compliance with the VOI Practice is found, the document will be stopped and requisitioned. Amongst other things, Requisition notices will be issued for:

- Failing to lodge the Statement
- Where a document executed outside of Australia has not been witnessed by an Australian Consular Officer
- The Verification of Identity being conducted in a period greater than two years where a continuous and ongoing relationship exists
- Incomplete or deficient Statement.

In order to assist with implementation of the VOI Practice, a grace period of six months will apply for requisition fees. This means that while Requisition notices will be issued for non compliance with the VOI Practice, requisition fees will not be applied where the Requisition is being raised solely for VOI matters. VOI related Requisition notices will be sent to the lodging party for appropriate action. All of the normal Landgate procedures and timeframes for Requisitions will continue to apply.

Requests for VOI Practice Exemptions

Where compliance with section 14.4.2.2 (Verification of Identity Outside of Australia) of the VOI Practice cannot be achieved, special requests will be considered on a case- by -case basis.

Where the party is represented, that party's agent (lawyer, settlement agent or mortgagee) is to make a written submission to Landgate's Lead Consultant (Complex Dealings). Such submissions should be made by email to voipractice@landgate.wa.gov.au. Exceptions to the VOI Practice will only be approved where sufficient evidence to satisfy the Registrar or Commissioner as to the circumstances of the non compliance is provided.

Community Awareness

Since the launch of the VOI Practice on 1 July 2012, Landgate has considered the need for increased public awareness through a campaign, and this has been strongly supported by property industry professionals.

The campaign commenced on Monday 17 December 2012 and will run to early April 2013. You may see or hear public announcements in print (*The West Australian*, suburban and regional press), radio and online.

The campaign aims to inform the public that a higher standard of verification of identity is required when transacting in land in Western Australia, such as when selling or mortgaging property. It also outlines that the standard in the VOI Practice is based on the person being identified providing current and original identity documents, at a face-to-face meeting.

Landgate has also mailed the VOI brochure to real estate agents, settlement agents and other key industry stakeholders to assist with the understanding of the VOI Practice. The brochure is available to download from Landgate's website at landgate.wa.gov.au/voi.

Self-Represented Parties

A self-represented party is responsible for ensuring that he/she is identified under the VOI Practice. A self-represented party must be identified by Australia Post. Australia Post is the only Identifier on the Landgate Panel of Identifiers at this point in time. It is envisaged there will be other Identifiers for a self represented party.

A self represented party whose identity has been verified by Australia Post will receive a 'Statement-Self-Represented Party' provided by the Registrar of Titles. This Statement will be made on Landgate letterhead. Documents subject to the VOI Practice that have a self-represented person as a party that

should be identified, will be expected to be lodged at Landgate with that 'Statement-Self Represented Party' from the Registrar of Titles.

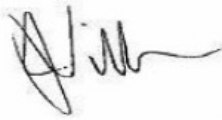
Frequently Asked Questions and Further Information

A list of frequently asked questions and further information about the VOI Practice can be found on Landgate's corporate website [here](#).

Questions about the VOI Practice can be directed to a Landgate Customer Services Officer on 9273 7341 or 1300 556 224 or email voipractice@landgate.wa.gov.au.

Your continued support for the implementation of our VOI Practice is appreciated.

Best wishes for the festive season and for the New Year.



Jean Villani
Registrar of Titles



Susan Dukes
Commissioner of Titles