

ELECTRONIC CONVEYANCING TRANSACTIONS VOI CLIENT INFORMATION SHEET

The introduction of a national electronic conveyancing system delivers many benefits to all persons involved in transfer and other dealings with land. However, it has required changes to the way many of the traditional conveyancing processes are undertaken. This Information Sheet gives a brief overview of various changes as they affect vendors, purchaser and various other transacting parties.

What is electronic conveyancing?

Conveyancing concludes with the settlement and lodgement of property transactions. Electronic conveyancing performs this process more efficiently using an ELNO, an Electronic Lodgment Network Operator that operates within an Electronic Lodgment Network (ELN). This allows transacting parties or their representatives to collaborate electronically on the preparation of registry instruments, the settlement of funds and the lodgement of instruments with the land registry to complete conveyancing transactions.

ELNO's are approved by the Registrar-General in South Australia. Currently the following ELNO's operate in South Australia, [Property Exchange Australia](#) (PEXA) and [Sympli Australia Pty Ltd](#) (Sympli)

ELNO's will connects Subscribers (being Banks, some other financial institutions, legal practitioners and licensed conveyancers), the Land Registry and the Reserve Bank of Australia. The Subscribers progressively contribute and agree upon information through the ELNO. If all Subscribers have notified their readiness, the settlement process starts at the agreed time: documents are lodged electronically with the Land Registry and the Reserve Bank of Australia then electronically withdraws and pays the money to effect the financial settlement. Typically, an electronic settlement process takes less than one hour for the payments and registration to be completed.

In some other Australian states electronic settlements have been mandated. This has not occurred in South Australia as yet but it is anticipated that this will occur sometime in 2020.

Who may access an ELNO?

To maintain the security and integrity of the system, access to an ELNO is limited to the Land Registry, Reserve Bank of Australia, State Revenue Office and Subscribers.

A Subscriber must undergo a rigorous process to qualify to join an ELNO. Personalised access credentials and passwords must be used to connect with the ELNO on every occasion. The level of integrity and security within an ELNO is greater than for a transaction lodged as a paper document.

Benefits and costs for transacting electronically

Benefits for a transacting party of an electronic transaction include lodgement and registration within minutes from the start of the electronic settlement process and real-time payment of cleared funds.

ELNO's charge a Service Fee and there are potentially other costs associated with an electronic transaction. However, these costs are offset by removing the need to use bank cheques, manually deal with a financial institution and physically attend settlement. Your Subscriber will be able to provide a comparison of the cost of conducting an electronic and a paper transaction.

Changes to the conveyancing process

The technology used for electronic conveyancing required changes to some processes employed in paper transactions. Whilst these changes have been implemented for electronic transactions, they are have also been required for paper transactions.

Both paper and electronic conveyancing require a practitioner to take reasonable steps to verify the identity of every person who comprises their client and of their right to deal with the property. The Land Registry's requirements are discussed below and are in place to prevent fraud.

Because access to an ELNO is restricted to Subscribers, your Subscriber must sign the electronic equivalent of the Transfer on your behalf. A *Client Authorisation* must be signed by you that authorises the Subscriber to sign the electronic document, settle the transaction and attend to all other things necessary to finalise the transaction.

Verification of the right to deal (verification of authority)

Verification of the right to deal involves establishing the link between the property and the transacting party. Vendors may produce such documents as registration confirmation, land tax assessments, rates notices, utilities notices and mortgage repayment statements. Purchasers should provide a copy of the contract of sale and purchase unless the Subscriber already has it.

Where a person is signing the Client Authorisation on behalf of a transacting party, the capacity to do so must be established. Your Subscriber must be provided with the document conferring the authority (e.g. the original or certified copy of the power of attorney, trust deed, will, Court order, etc.) and your Subscriber is required to retain a copy as evidence supporting the transaction. Your Subscriber must undertake a search with the corporate regulator if the transacting party or attorney is a corporation.

You should take the originals of these documents with you to the VOI interview (see below).

Verification of identity

The South Australian Land Registry requires the Subscriber to take reasonable steps to verify the identity of every person who signs the Client Authorisation as a transacting party or on their behalf. The standard for reasonable steps (known as the VOI Standard) is specified: it requires a face-to-face in-person interview (known as a VOI interview) at which the originals of particular documents are produced to verify the identity. Copies of these identity documents must be retained on the Subscriber's file.

Identity documents are grouped into categories. You are required to produce the highest category of documents possible, and every document required for that category. The majority of people can produce the following primary identity documents from the highest categories

- an Australian or foreign passport or Status Immicard or Australian Migration Status Immicard, plus
- an Australian driver's licence or Government-issued card with photo evidencing age or identity.

If you have only one of these identity documents, you will need to produce a full certificate of birth, citizenship or descent plus a card issued by Medicare, Centrelink or Department of Veterans Affairs.

A Marriage or Change of Name Certificate must also be produced if your name has changed.

The various categories of documents are set out below.

You should discuss the situation promptly with your Subscriber if:

- you cannot produce a passport, driver's licence or Government-issued photo identity card,
- verification must occur in a remote location or overseas, or
- our Subscriber verified your identity in the last 2 years.

Identification Document Categories

Category	Minimum Document Requirements
	For Persons who are Australian citizens or residents
1	An Australian passport or a foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard* plus an Australian driver's licence or Photo Card plus change of name or marriage certificate if necessary.
2	An Australian passport or a foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard* plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary.
3	Australian driver's licence or Photo Card plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary.
4	(a) Australian passport or foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard* plus another form of government issued photographic identity document plus change of name or marriage certificate if necessary. (b) Australian passport or foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard* plus full birth certificate plus another form of government issued identity document plus a change of name or marriage certificate if necessary.
5	(a) Identifier Declaration plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary. Identifier Declaration by a person specified in clause 6.3 (a)(v) plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary. <i>Note: Refer to Verification of Identity Standard clause 6.3</i>
	For persons who are not Australian citizens or residents:
6	(a) Foreign passport

	<p>plus another form of government issued photographic identity document plus change of name or marriage certificate if necessary.</p> <p>(b) Foreign passport plus full birth certificate plus another form of government issued identity document plus change of name or marriage certificate if necessary.</p>
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* An Australian Permanent Resident Evidence ImmiCard or Australian Residence Determination ImmiCard is able to be used until 1 July 2020 if not expired and if verified using the Visa Entitlement Verification Online system.

Identity Agents

Your Subscriber may use an agent to conduct verification of identity. This may be the case if you are unable to attend your Subscriber’s office to have a VOI performed. These services can be provided by [Australia Post](#) and [ZipID](#).

Other Documents

You may also need to sign other documents and a Client Authorisation during the VOI interview. If so, your Subscriber will provide those documents to you. Hence, it is vital that your Subscriber is able to contact you and send documents to you throughout the period to settlement. You should discuss the situation promptly with your Subscriber where difficulties may arise.

Your obligations

You may be in breach of your contract and settlement may be delayed if adequate instructions are not received promptly by your Subscriber or the processes outlined above are not completed promptly. As a priority, you must consult your Subscriber in any of the circumstances mentioned above and other circumstances that may delay adequate instructions or completion of any processes.

Any questions?

Your Subscriber is able to answer questions about the processes to verify your identity and your right to deal with the property. Promptly discussing your questions will avoid delays, particularly if you may be unable to satisfy any requirements. For more detailed information, contact your conveyancer.

