

# Notice

To Lodging Parties

10 August 2020

No 233

## **Conveyancing requirements for in-house legal practitioners and in-house registered conveyancers Release of Registrar-General's Verification of Identity Requirements Version 7**

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### **Conveyancing requirements for in-house legal practitioners and in-house registered conveyancers**

In light of mandating of electronic conveyancing on 3 August 2020, I wish to clarify some of the requirements in relation to when an in-house legal practitioner or in-house registered conveyancer undertakes conveyancing transactions on behalf of their employer.

#### Client Authorisations

As Registrar-General, I require that in-house legal practitioners and in-house registered conveyancers obtain a Client Authorisation when undertaking conveyancing transactions on behalf of their employing company to ensure compliance with section 240F of the [Real Property Act 1886](#) (RPA). The Client Authorisation should be in substantial compliance with the form set out in Schedule 4 of the [South Australian Participation Rules](#). This may be completed as a one-off standing Client Authorisation. A [Client Authorisation smartform](#) is available on the Australian Registrars' National Electronic Conveyancing Council website.

When lodging electronically, the Electronic Lodgement Network systems do not cater for the provision and certification of a Client Authorisation where Subscribers are registered as Principal Subscribers. Therefore, pursuant to section 273(2) of the RPA, I am exempting in-house legal practitioners and in-house registered conveyancers, where they are an employee of a Subscriber company, from the requirement to provide the certification regarding Client Authorisations when acting for their employer company under its Principal Subscriber account in an Electronic Lodgement Network. Please note that although a certification is not required, a Client Authorisation is still required to be obtained. Evidence of a properly completed Client Authorisation will be required for any compliance examination conducted by Land Services SA.

#### Verification of Identity

I also confirm that there is no requirement for an in-house legal practitioner or in-house conveyancer to verify the identity of its employer when lodging electronically using their employer's subscription account under an Electronic Lodgement Network where their employer

is registered as a Principal Subscriber.

Under the [Registrar-General's Verification of Identity Requirements](#), which apply to transactions lodged in paper, an in-house legal practitioner or in-house registered conveyancer is captured within the definition of 'Representative'. These practitioners are therefore required to verify the identity of the company it is executing on behalf of and provide the required verification of identity certification. The reason for the differing verification of identity requirements between paper and electronic lodgement is because, in paper the company is not already an identified entity within a secure and trusted environment, as is the case within the Electronic Lodgement Network.

### **Updates to Registrar-General's VOI Requirements**

Version 7 of the [Registrar-General's Verification of Identity Requirements](#) has been released. This version includes a minor update to Clause 3 to clarify that these requirements apply when lodging in paper, and the South Australian Participation Rules apply when lodging electronically for the purpose of section 273A(1) of the RPA.

For further information please contact Land Services SA Customer Support on 08 8423 5000 or email [customersupport@landservices.com.au](mailto:customersupport@landservices.com.au).



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