

# Verification of Identity

## Registrar-General's Verification of Identity Requirements

Office of the Registrar-General

10 August 2020

Version 7.0



Government  
of South Australia

I have determined that the identity of a party to an instrument, or a person executing a document for the purposes of the *Real Property Act 1886* (other than a legal practitioner or registered conveyancer acting under Client Authorisation), must be verified in accordance with these Requirements.

These Requirements are prescribed for the purposes of ss273A(1) of the *Real Property Act 1886*, and will be in force from **10 August 2020**.

Any previous version of these Requirements will be superseded from that date.



Jenny Cottnam  
**Registrar-General**



## Registrar-General's Verification of Identity Requirements

### Table of Contents

|   |    |
|---|----|
| 1. Definitions .....  | 4  |
| 2. Overview .....   | 8  |
| 2.1 Summary .....   | 8  |
| 2.2 Purpose of these Requirements.....  | 9  |
| 3 When do these Requirements apply?.....  | 9  |
| 4 Verification of identity by Representatives and mortgagees .....                    | 9  |
| 4.1 Requirement for Representatives and mortgagees to verify identity .....           | 9  |
| 4.2 Method of compliance.....   | 9  |
| 4.3 Further checks for identity may be required .....                                 | 10 |
| 4.4 Previous verification of identity.....  | 10 |
| 4.5 Use of Identity Agent .....   | 10 |
| 4.6 Compliance with Verification of Identity Standard deemed “reasonable steps” ..... | 11 |
| 4.7 Certification.....  | 11 |
| 4.8 Requirement to retain supporting evidence.....                                    | 11 |
| 5 Verification of Identity for self-represented parties.....                          | 12 |
| 5.1 Requirement to have identity verified.....  | 12 |
| 5.2 Supporting evidence and certification .....                                       | 12 |
| 5.3 Verifying at execution .....  | 12 |
| 5.4 Supporting evidence to be lodged with Registry Instruments .....                  | 12 |
| 6 Verification of Identity Standard.....  | 12 |
| 6.1 A face-to-face interview is required.....   | 12 |
| 6.2 Categories of identification documents .....                                      | 12 |
| 6.3 Identifier Declaration.....   | 13 |
| 6.4 Body Corporate .....  | 14 |
| 6.5 Individual as Attorney .....  | 14 |
| 6.6 Body Corporate as Attorney.....   | 14 |
| 6.7 Further checks.....   | 14 |
| Appendix A Conveyancing Documents and Persons Being Identified .....                  | 16 |
| Appendix B Identification Document Categories.....                                    | 17 |
| Appendix C Persons Authorised to Identify Self-Represented Parties .....              | 18 |
| Appendix D Identity Agent Insurance Requirements .....                                | 19 |
| Appendix E Identity Agent Certification .....   | 21 |
| Appendix F Self-Represented Party – Authorised Person Certification.....              | 22 |

## 1. Definitions

| Term                             | Definition   |
|----------------------------------|--|
| <b>ADI</b>                       | Means an "authorised deposit-taking institution" under the <i>Banking Act 1959</i> (Cth).  |
| <b>Adult</b>                     | Means an individual who is 18 or more.   |
| <b>Approved Insurer</b>          | Means:<br>(a) a general insurer within the meaning of the <i>Insurance Act 1973</i> (Cth); or<br>(b) a Lloyd's underwriter within the meaning of the <i>Insurance Act 1973</i> (Cth) and to which section 93 of the <i>Insurance Act 1973</i> (Cth) continues to have effect; or<br>(c) a person to whom a determination is in force under section 7(1) of the <i>Insurance Act 1973</i> (Cth) that sections 9(1) or 10(1) or 10(2) of the <i>Insurance Act 1973</i> (Cth) do not apply. |
| <b>Attorney</b>                  | Means in relation to a Power of Attorney the person to whom the power is given.  |
| <b>Australian Credit Licence</b> | Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth).  |
| <b>Australian Passport</b>       | Means a passport issued by the Commonwealth of Australia.  |
| <b>Authorised Person</b>         | Means a natural person listed at Appendix C, being a person authorised to undertake verification of identity for self-represented parties.   |
| <b>Bank Manager</b>              | Means a person appointed to be in charge of the head office or any branch office of an ADI carrying on business in Australia under the <i>Banking Act 1959</i> (Cth).  |
| <b>Body Corporate</b>            | Includes an association incorporated under the <i>Associations Incorporation Act 1985</i> (SA) or a corresponding law of another State.  |
| <b>Category/Categories</b>       | Means the categories of identification documents set out in the table at Appendix B.   |
| <b>Client</b>                    | Means a person who has appointed a Representative pursuant to a Client Authorisation; or a caveator who has appointed a Representative but has not executed a Client Authorisation; or a party to a Registry Instrument who has retained a Representative to prepare that Registry Instrument on their behalf, so that the party, or their attorney, may execute it.   |

|                               |   |
|-------------------------------|---|
| <b>Community Leader</b>       | Means, in relation to an Aboriginal or Torres Strait Islander community:<br>(a) a person who is recognised by the members of the community to be a community elder; or<br>(b) if there is an Aboriginal council that represents the community, an elected member of the council; or<br>(c) a member, or a member of staff, of a Torres Strait Regional Authority established under the <i>Aboriginal and Torres Strait Islander Act 2005</i> (Cth); or<br>(d) a member of the board, or a member of staff, of Indigenous Business Australia established under the <i>Aboriginal and Torres Strait Islander Act 2005</i> (Cth); or<br>(e) a member of the board, or a member of staff, of an Indigenous Land Corporation established under the <i>Aboriginal and Torres Strait Islander Act 2005</i> (Cth); or<br>(f) a member, or a member of the staff, of an Aboriginal Land Council established under the <i>Aboriginal Land Rights (Northern Territory) Act 1976</i> (Cth). |
| <b>Conveyancer</b>            | Means a person currently registered under the <i>Conveyancers Act 1994</i> (SA) or a corresponding law of another State, to carry on a business that consists of or involves the preparation of conveyancing instruments for fee or reward.   |
| <b>Conveyancing Document</b>  | Means a Client Authorisation under the <i>Real Property Act 1886</i> or a Registry Instrument listed at Appendix A.   |
| <b>Court Officer</b>          | Means a person who is currently a judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court in Australia.   |
| <b>Credit Representative</b>  | Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth).   |
| <b>Credit Service</b>         | Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth) and extends to a service with respect to credit secured or to be secured by real property whether or not it is regulated by that Act.  |
| <b>Donor</b>                  | Means in relation to a Power of Attorney the person giving the power.   |
| <b>Foreign Country</b>        | Means a country (whether or not an independent sovereign state) outside Australia and the external Territories.   |
| <b>Identifier Declaration</b> | Means the declaration in clause 6.3 of these Requirements.  |

|                                      |   |
|--------------------------------------|---|
| <b>Identity Agent</b>                | Means a person who is an agent of either a Representative, or a mortgagee, and who:<br>(a) the Representative or mortgagee reasonably believes is reputable, competent and insured in compliance with Appendix D; and<br>(b) is authorised by the Representative or mortgagee to conduct verification of identity on behalf of the Representative or mortgagee in accordance with the Verification of Identity Standard.  |
| <b>Identity Agent Certification</b>  | Means a certification in substantial compliance with the certifications set out in Appendix E of these requirements, as amended from time to time.  |
| <b>Identity Declarant</b>            | Means a person providing an Identifier Declaration.   |
| <b>Identity Verifier</b>             | Means the person conducting a verification of identity in accordance with the Verification of Identity Standard.  |
| <b>Justice of the Peace</b>          | Means a person currently appointed as a justice of the peace under the <i>Justices of the Peace Act 2005 (SA)</i> or a corresponding law of another State.  |
| <b>Land Council Officeholder</b>     | Means a chairperson or deputy chairperson of an Australian land council or land and sea council established under Commonwealth or State law.  |
| <b>Legal Practitioner</b>            | Means a person currently entitled to practise the profession of law under the <i>Legal Practitioners Act 1981 (SA)</i> or a corresponding law of another State.   |
| <b>Local Government Officeholder</b> | Means a chief executive officer or deputy chief executive officer of a metropolitan or regional council constituted under the <i>Local Government Act 1999 (SA)</i> or a corresponding law of another State.  |
| <b>Local Government Organisation</b> | Means a metropolitan or regional council constituted under the <i>Local Government Act 1999 (SA)</i> or a corresponding law of another State.   |
| <b>Medical Practitioner</b>          | Means a person currently registered under the <i>Health Practitioner Regulation National Law (South Australia) Act 2010 (SA)</i> or a corresponding law of another State, to practise in the medical profession (other than as a student).  |
| <b>Mortgage Broker</b>               | Means an individual who is:<br>(a) the holder of an Australian Credit Licence; or<br>(b) an employee or director of the holder of an Australian Credit Licence or of a related body corporate of a holder of an Australian Credit Licence engaging in the Credit Service on behalf of that licensee; or<br>(c) a Credit Representative of the holder of an Australian Credit Licence;<br>who provides a Credit Service which relates to credit secured or to be secured by real property owned or to be owned by the person to whom the Credit Service is provided. |

|   |  |
|---|--|
| <b>National Electronic Conveyancing</b> | An initiative of the Council of Australian Governments (COAG) to provide a single national electronic conveyancing system for use throughout Australia, introduced in South Australia by the <i>Electronic Conveyancing National Law (South Australia) Act 2013</i> .  |
| <b>Notary Public</b>                    | Means a Legal Practitioner appointed to the role of Notary Public by the Supreme Court of South Australia or any other court in Australia.   |
| <b>Nurse</b>                            | Means a person currently registered under the <i>Health Practitioner Regulation National Law (South Australia) Act 2010 (SA)</i> or a corresponding law of another State, to practise in the nursing and midwifery profession as a nurse (other than as a student).  |
| <b>Person Being Identified</b>          | Means a person listed at Appendix A whose identity must be verified in accordance with these Requirements.   |
| <b>Photo Card</b>                       | Means a card issued by any State showing a photograph of the holder and enabling the holder to evidence their age and/or their identity.   |
| <b>Police Officer</b>                   | Means a member of South Australia Police under the <i>Police Act 1998 (SA)</i> , or the police force of another State under corresponding legislation, or the Australian Federal Police under the <i>Australian Federal Police Act 1979 (Cth)</i> .  |
| <b>Power of Attorney</b>                | Means a written Document by which a Donor appoints an Attorney to act as agent on the Donor's behalf.  |
| <b>Proclaimed Police Officer</b>        | Means a Police Officer appointed to take declarations and attest the execution of instruments under the <i>Oaths Act 1936 (SA)</i> or an equivalent officer under a corresponding law of another State.  |
| <b>Public Servant</b>                   | Means a person currently employed in the Public Service under the <i>Public Sector Act 2009 (SA)</i> or a corresponding law of another State or the Australian Public Service under the <i>Public Service Act 1999 (Cth)</i> .   |
| <b>Registry Instrument</b>              | A paper instrument under the <i>Real Property Act 1886</i> .   |
| <b>Relative</b>                         | Means a person's spouse or domestic partner or a child, grandchild, sibling, parent or grandparent of the person or of the person's spouse or domestic partner.  |
| <b>Representative</b>                   | Means a Conveyancer currently registered under the <i>Conveyancers Act 1994 (SA)</i> or a Legal Practitioner currently entitled to practise the profession of law under the <i>Legal Practitioners Act 1981 (SA)</i> who is authorised to execute a Registry Instrument pursuant to a Client Authorisation; or to execute a caveat, on behalf of a party to that instrument; or to prepare a Registry Instrument on behalf of a party to that instrument, for execution by that party, or that party's attorney. |

|  |   |
|--|---|
| <b>State</b>                             | Means Australian Capital Territory, New South Wales, Northern Territory of Australia, Queensland, South Australia, Tasmania, Victoria or Western Australia.                       |
| <b>Statutory Body</b>                    | Means a statutory authority, body or corporation including a State or Territory owned corporation (however described) established under any Commonwealth, State or Territory law. |
| <b>Verification of Identity Standard</b> | Means the Verification of Identity Standard set out in clause 6 of these Requirements.  |

An expression used in these Requirements that is not defined in clause 1 of these Requirements has, unless the contrary intention appears, the same meaning as in the *Real Property Act 1886*.

## 2. Overview

### 2.1 Summary

The identity of a party to a Registry Instrument must be verified in accordance with these Requirements.<sup>1</sup>

The *Real Property Act 1886* (the Real Property Act) requires a Representative to verify the identity of their Client in accordance with these Requirements, prior to executing a Registry Instrument on behalf of their Client.<sup>2</sup>

According to clause 4.1 of these Requirements, in order to verify the identity of their Client in accordance with these Requirements, the Representative must take “reasonable steps” to verify the identity of their Client when their Client signs a Client Authorisation form authorising the Representative to execute the Registry Instrument.

Some Registry Instruments are not executed by a Representative under a Client Authorisation; they are executed by the party to the Registry Instrument (or that party’s attorney). Clause 4.1 of these Requirements requires Representatives to take “reasonable steps” to verify the identity of their Client when their Client executes a Registry Instrument (or to verify the identity of their Client’s attorney if their Client executes through an attorney).

Clause 4.1 also requires a Representative to take “reasonable steps” to verify the identity of their Client when they execute a caveat on behalf of their Client.

Clause 4.1 of these Requirements also requires mortgagees to take “reasonable steps” to verify the identity of mortgagors when a mortgage is entered into, renewed or extended.

Clause 6 of these Requirements sets out a Verification of Identity Standard. Where identity is verified in accordance with the Verification of Identity Standard this will constitute “reasonable steps” for the purpose of clause 4.1 of these Requirements.

Clause 4.8 of these Requirements requires the Representative or mortgagee to retain copies of any evidence supporting verification of identity. Representatives must retain these documents for at least

<sup>1</sup> Section 273A, *Real Property Act 1886*.

<sup>2</sup>Section 240F, *Real Property Act 1886*.



7 years from the date of lodgement of the Registry Instrument. Mortgagees must retain these documents until they cease to be mortgagee in respect of the mortgage.

Clause 5 of these Requirements sets out the procedure by which self-represented parties must have their identity verified.

## 2.2 Purpose of these Requirements

These Requirements have been introduced to reduce the risk of land title fraud in South Australia, thereby strengthening the security, certainty and integrity of South Australia's Torrens land title system.

## 3 When do these Requirements apply?

For electronic lodgements, the South Australian Participation Rules (in force at the time) made under the *Electronic Conveyancing National Law (South Australia) Act 2013* apply. These Rules are the applicable Registrar-General's Verification of Identity Requirements regarding verification of identity for electronic lodgements. For paper lodgements, when a Conveyancing Document is executed, these Requirements apply.

## 4 Verification of identity by Representatives and mortgagees

### 4.1 Requirement for Representatives and mortgagees to verify identity

Representatives and mortgagees must take reasonable steps to verify the identity of:

- (a) **Clients:** A Representative must take reasonable steps to verify the identity of their Client or, if the Client is executing through an agent (such as an attorney), that agent.
- (b) **Mortgagors:**
  - (i) The mortgagee must take reasonable steps to verify the identity of each mortgagor (or their agent, if the mortgagor is executing through an agent);
  - (ii) Where the Representative is authorised to execute the mortgage on behalf of the mortgagee, the Representative must take reasonable steps to verify the identity of each mortgagor (or their agents). However, the Representative need not take reasonable steps to verify the identity of a mortgagor (or their agent) if the Representative is reasonably satisfied that the mortgagee has taken reasonable steps to verify the identity of that mortgagor (or their agent).

### 4.2 Method of compliance

For the purposes of complying with clause 4.1 the Representative or mortgagee, can either:

- (a) apply the Verification of Identity Standard; or
- (b) verify the identity of a person in some other way that constitutes the taking of reasonable steps.

### 4.3 Further checks for identity may be required

The Representative or mortgagee must satisfy themselves that the Person Being Identified and any Identity Declarant is the person they purport to be.

The Representative or mortgagee must undertake further steps to verify the identity of the Person Being Identified or the Identity Declarant where:

- (a) the Representative or mortgagee knows or ought reasonably to know that:
  - (i) any identity document produced by the Person Being Identified and/or any Identity Declarant is not genuine; or
  - (ii) any photograph on an identity document produced by the Person Being Identified and/or any Identity Declarant is not a reasonable likeness of the Person Being Identified or the Identity Declarant; or
  - (iii) the Person Being Identified and/or any Identity Declarant does not appear to be the person to whom the identity document(s) relate; or
- (b) it would otherwise be reasonable to do so.

### 4.4 Previous verification of identity

The Representative or mortgagee need not verify the identity of the Person Being identified if:

- (a) the Representative or mortgagee complied with clause 4.1 in relation to the Person Being Identified within the previous 2 years; and
- (b) the Representative or mortgagee takes reasonable steps to ensure that it is dealing with the Person Being Identified.

### 4.5 Use of Identity Agent

If the Verification of Identity Standard is used for the purposes of complying with clause 4.1:

- (a) the Representative or mortgagee may use an Identity Agent; and
- (b) where an Identity Agent is used, the Representative or mortgagee must direct the Identity Agent to use the Verification of Identity Standard; and
- (c) the Identity Verifier must be:
  - (i) the Representative and/or the Representative's Identity Agent; or
  - (ii) the mortgagee and/or the mortgagee's Identity Agent; and
- (d) the Representative or the mortgagee must receive from any Identity Agent:
  - (i) copies of the documents produced to verify the identity of the Person Being Identified and any Identity Declarant signed, dated and endorsed as a true copy of the original by the Identity Agent; and
  - (ii) an Identity Agent Certification.

#### 4.6 Compliance with Verification of Identity Standard deemed “reasonable steps”

Subject to clause 4.3, compliance with the Verification of Identity Standard by:

- (a) the Representative and/or its Identity Agent; or
- (b) the mortgagee and/or its Identity Agent;

will be deemed to constitute “taking reasonable steps to verify the identity” of a person for the purposes of complying with clause 4.1 of these Requirements.

#### 4.7 Certification

Under s273 of the Real Property Act:

- (a) Representatives and mortgagees will be required to certify Registry Instruments, to state that they have complied with these Requirements, prior to lodging them in the Lands Titles Office:
  - (i) a Representative will be required to certify that they have taken reasonable steps to verify the identity of their Client or his, her or its administrator or attorney;
  - (ii) a Representative of a mortgagee will be required to certify that they have taken reasonable steps to verify the identity of the mortgagor or his, her or its administrator or attorney, or that they are reasonably satisfied that the mortgagee they represent has taken reasonable steps to verify the identity of the mortgagor or his, her or its administrator or attorney; and
  - (iii) a self-represented mortgagee will be required to certify that it has taken reasonable steps to verify the identity of the mortgagor or his, her or its administrator or attorney.
- (b) The certification is to be made by the Representative even though an Identity Agent has been engaged to undertake the verification of identity on their behalf.
- (c) The certification on a mortgage is to be made by either the Representative of the mortgagee, or the mortgagee.
- (d) The certification must be made by a natural person:
  - (i) where the Representative is a body corporate or a partnership the certification must be made by a conveyancer registered under the *Conveyancers Act 1994* (SA), or a legal practitioner under the *Legal Practitioners Act 1981* (SA), who has sufficient personal knowledge to make the certification;<sup>2</sup>
  - (ii) where the mortgagee is a body corporate, an employee with sufficient personal knowledge would make the certification on its behalf.

#### 4.8 Requirement to retain supporting evidence

Any evidence supporting verification of identity is to be retained:

- (a) by the Representative for at least 7 years from the date of lodgement of the Registry Instrument in the Lands Titles Office;
- (b) by the mortgagee until they cease to be mortgagee in respect of the mortgage.

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<sup>2</sup> See s240D, *Real Property Act 1886*.

## 5 Verification of Identity for self-represented parties

### 5.1 Requirement to have identity verified

When a Registry Instrument is executed by a self-represented party, and the Registry Instrument is not a mortgage, the self-represented party (or their Attorney if they are executing through an Attorney), is to have their identity verified in accordance with clauses 6.1 to 6.3 inclusive, and clauses 6.5 and 6.7 of these Requirements. However, the Identity Verifier must be an Authorised Person.

Authorised Persons, who may verify the identity of self-represented parties, are listed at Appendix C.

### 5.2 Supporting evidence and certification

After the Authorised Person has verified the identity of the self-represented party (or their Attorney, if they are executing through an Attorney), the self-represented party (or their Attorney, if they are executing through an Attorney) is to obtain from the Authorised Person:

- (a) copies of all documents inspected by the Authorised Person for the purposes of verification of identity, signed, dated and endorsed as a true copy of the original by the Authorised Person; and
- (b) a duly completed certificate in a form consistent with Appendix F.

### 5.3 Verifying at execution

When the Authorised Person will also be witnessing the execution of the Registry Instrument, the verification of identity is to occur immediately prior to the execution of the Registry Instrument.

### 5.4 Supporting evidence to be lodged with Registry Instruments

The self-represented party is to ensure that the Registry Instrument is lodged in the Lands Titles Office with the documents listed in clause 5.2 securely attached to it.

## 6 Verification of Identity Standard

### 6.1 A face-to-face interview is required

The verification of identity must be conducted during a face-to-face in-person interview between the Identity Verifier and the Person Being Identified. For the period that the *COVID-19 Emergency Response Act 2020* is in operation, the "face-to-face in-person interview" can be undertaken remotely using audio visual means.

Verification of identity is to be undertaken by the Person Being Identified producing all the documents in one of the Categories in the table at Appendix B and the Identity Verifier satisfying himself or herself that the documents are authentic and identify that person.

Where documents containing photographs are produced by the Person Being Identified, the Identity Verifier must be satisfied that the person is a reasonable likeness (for example the shape of his or her mouth, nose, eyes and the position of his or her cheek bones) to the person depicted in those photographs.

### 6.2 Categories of identification documents

The Identity Verifier is to ensure that the Person Being Identified produces original and current documents. However, an expired Australian Passport which has not been cancelled and was current within the preceding 2 years may be produced.

The documents listed in Category 1 in Appendix B must be used where possible to identify a person who is an Australian citizen or resident. If these documents are not available, Category 2 documents are to be used. If these are not available identity is to be verified using Category 3 documents. If these are not available identity is to be verified using Category 4 documents.

Where the requirements of:

- (a) Categories 1 to 4 cannot be met, Category 5(a) may be used; and
- (b) Category 5(a) cannot be met, Category 5(b) may be used.

The documents listed in Category 6(a) are to be used where possible to identify a person who is not an Australian citizen or resident. If these documents are not available, the documents listed in Category 6(b) are to be used.

The Identity Verifier must be reasonably satisfied that a prior Category of documents cannot be provided before using a subsequent Category.

### **6.3 Identifier Declaration**

Where the documents listed in Category 5 are used, an Identifier Declaration is to be provided in accordance with this clause.

The Person Being Identified and the Identity Declarant are to attend the same face-to-face in-person interview as described in clause 6.1 with the Identity Verifier.

The Identity Verifier is to verify the identity of the Identity Declarant in accordance with the Verification of Identity Standard.

However, the Identity Declarant cannot utilise Category 5 documents to prove their identity.

- (a) The Identity Verifier is to undertake reasonable enquiries to satisfy themselves that the Identity Declarant is:
  - (i) an Adult; and
  - (ii) an individual who has known the Person Being Identified for more than 12 months; and
  - (iii) not a Relative of the Person Being Identified; and
  - (iv) not a party to the Registry Instrument; and
  - (v) where Category 5(b) is used, a Bank Manager, Community Leader, Court Officer, Medical Practitioner, Land Council Officeholder, Local Government Officeholder, Nurse, Public Servant, Legal Practitioner, Conveyancer or Police Officer.
- (b) The Identity Declarant is to provide the Identity Verifier with a statutory declaration in which the Identity Declarant declares the following:
  - (i) the Identity Declarant's name and address; and
  - (ii) the Identity Declarant's occupation; and
  - (iii) the Identity Declarant's date of birth; and
  - (iv) the nature of the Identity Declarant's relationship with the Person Being Identified; and
  - (v) that the Identity Declarant is not a Relative of the Person Being Identified; and
  - (vi) that the Identity Declarant is not a party to the Registry Instrument; and

- (vii) the length of time that the Identity Declarant has known the Person Being Identified; and
- (viii) that to the Identity Declarant's knowledge, information and belief the Person Being Identified is who they purport to be; and
- (ix) where Category 5(b) is used, that the Identity Declarant is a Bank Manager, a Community Leader, Court Officer, Medical Practitioner, Land Council Officeholder, Local Government Officeholder, Nurse, Public Servant, Legal Practitioner, Conveyancer or Police Officer.

## 6.4 Body Corporate

When the Person Being Identified is a Body Corporate, the Identity Verifier is to:

- (a) confirm the existence and identity of the Body Corporate by conducting a search of the records of the Australian Securities and Investments Commission or other regulatory body with whom the Body Corporate is required to be registered; and
- (b) take reasonable steps to establish who is authorised to sign or witness the affixing of the seal on behalf of the Body Corporate; and
- (c) verify the identity of each individual signing or witnessing the affixing of the seal on behalf of the Body Corporate in accordance with the Verification of Identity Standard as if that individual is themselves a Person Being Identified.

## 6.5 Individual as Attorney

When the Person Being Identified is an Attorney, the Identity Verifier is to:

- (a) confirm from the registered Power of Attorney, or the unregistered Power of Attorney intended to be lodged in series with the Registry Instrument, the details of the Attorney and the Donor; and
- (b) take reasonable steps to establish that the Registry Instrument is authorised by the Power of Attorney; and
- (c) verify the identity of the Attorney in accordance with the Verification of Identity Standard.

## 6.6 Body Corporate as Attorney

When the Person Being Identified is an Attorney that is a Body Corporate, the Identity Verifier is to:

- (a) confirm from the registered Power of Attorney, or the unregistered Power of Attorney intended to be lodged in series with the Registry Instrument, the details of the Attorney and the Donor; and
- (b) take reasonable steps to establish that execution of the Conveyancing Document is authorised by the Power of Attorney; and
- (c) comply with clause 6.4.

## 6.7 Further checks

Mere mechanical compliance with clause 6, without attention to detail, is not sufficient.

The Identity Verifier is to undertake further steps to verify the identity of the Person Being Identified and/or the Identity Declarant where:

- (a) The Identity Verifier knows or ought reasonably to know that:
- (i) any identity document produced by the Person Being Identified and/or any Identity Declarant is not genuine; or
  - (ii) any photograph on an identity document produced by the Person Being Identified and/or any Identity Declarant is not a reasonable likeness of the Person Being Identified or the Identity Declarant; or
  - (iii) the Person Being Identified and/or the Identity Declarant does not appear to be the person to whom the identity document(s) relate; or
- (b) it would otherwise be reasonable to do so.

## Appendix A Conveyancing Documents and Persons Being Identified

| Conveyancing Document   | Person Being Identified              |
|---|--------------------------------------|
| A Client Authorisation authorising execution of a Registry Instrument when that Client Authorisation has been executed by a party to that Registry Instrument | The party to the Registry Instrument |
| A Registry Instrument executed by a party to the Registry Instrument  | The party to the Registry Instrument |
| A caveat  | The caveator                         |
| A mortgage  | The mortgagor                        |
| A Registry Instrument renewing or extending a mortgage  | The mortgagor                        |
| A Conveyancing Document listed above, executed by an agent of a party to a Registry Instrument, unless that agent is a Representative of the party            | The agent                            |



## Appendix B Identification Document Categories

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

\* 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.

## Appendix C Persons Authorised to Identify Self-Represented Parties

|   | Authorised Person                 | Information/Locations for Authorised Persons within South Australia  |
|---|-----------------------------------|--|
| 1 | Justice of the Peace              | <p>Justice of the Peace Services<br/>Attorney-General's Department</p> <p><a href="mailto:jpservices@sa.gov.au">jpservices@sa.gov.au</a></p> <p>To locate a JP in your area</p> <p><a href="https://www.agd.sa.gov.au/services-and-support/justice-peace">https://www.agd.sa.gov.au/services-and-support/justice-peace</a></p>   |
| 2 | Proclaimed Police Officer         | <p>Proclaimed Police Officers can be found at most South Australian police stations.</p> <p>It is advisable to call the police station before attending to ensure there is a Proclaimed Police Officer available when you attend.</p> <p><a href="https://www.police.sa.gov.au/about-us/find-your-local-police-station">https://www.police.sa.gov.au/about-us/find-your-local-police-station</a></p> |
| 3 | Legal Practitioner or Conveyancer | <p>Legal Practitioner- Law Society of South Australia</p> <p><a href="https://www.lawsocietysa.asn.au/">https://www.lawsocietysa.asn.au/</a></p> <p>Conveyancer-</p> <p>Australian Institute of Conveyancers<br/><a href="http://www.aicsa.com.au/">http://www.aicsa.com.au/</a></p> <p>Consumer and Business Services<br/><a href="http://www.cbs.sa.gov.au/">http://www.cbs.sa.gov.au/</a></p>     |
| 4 | Notary Public                     | <a href="http://notaries-sa.org.au/">http://notaries-sa.org.au/</a>  |

## Appendix D Identity Agent Insurance Requirements

### 1. Identity Agent Insurance Requirements

1.1 Each Identity Agent must maintain professional indemnity insurance:

- (a) which specifically names the Identity Agent as being insured; and
- (b) with an Approved Insurer; and
- (c) for an insured amount of at least \$1,500,000 per claim (including legal costs); and
- (d) having an excess per claim of no greater than \$20,000; and
- (e) having an annual aggregate amount of not less than \$20,000,000; and
- (f) which includes coverage for verification of identity for the purposes of these Requirements;  
and
- (g) the terms of which do not limit compliance with 1.1 (a) to (f).

1.2 Each Identity Agent must maintain fidelity insurance:

- (a) which specifically names the Identity Agent as being insured; and
- (b) with an Approved Insurer; and
- (c) for an insured amount of at least \$1,500,000 per claim (including legal costs); and
- (d) having an excess per claim of no greater than \$20,000; and
- (e) having an annual aggregate amount of not less than \$20,000,000; and
- (f) which provides coverage for third party claims arising from dishonest and fraudulent acts;  
and
- (g) which includes coverage for verification of identity for the purposes of these Requirements;  
and
- (h) the terms of which do not limit compliance with 1.2 (a) to (g).

1.3 If the Identity Agent does not comply with insurance requirements 1.1 and 1.2, the Identity Agent must maintain professional indemnity insurance:

- (a) which specifically names the Identity Agent as being insured; and
- (b) with an Approved Insurer; and
- (c) for an insured amount of at least \$1,500,000 per claim (including legal costs); and
- (d) having an excess per claim of no greater than \$20,000; and
- (e) having an annual aggregate amount of not less than \$20,000,000; and
- (f) which provides coverage for third party claims arising from dishonest and fraudulent acts;  
and
- (g) which includes coverage for verification of identity for the purposes of these Requirements;  
and
- (h) the terms of which do not limit compliance with 1.3 (a) to (g).

1.4 An Identity Agent may maintain fidelity insurance held through a mutual fund by paying a levy or contribution rather than an annual insurance premium. The insurance must otherwise comply with insurance requirement 1.2.

## **2. Self-insuring Identity Agents**

2.1 Despite insurance requirement 1 the following persons need not take out insurance to become or remain an Identity Agent:

- (a) an ADI; or
- (b) the Crown in right of the Commonwealth, a State or a Territory; or
- (c) a Local Government Organisation or a Statutory Body:
  - (i) creating, dealing with, or making an application with respect to, an estate or interest in its land; or
  - (ii) purchasing, acquiring, or making an application with respect to, an estate or interest in land; or
  - (iii) lodging caveats, withdrawals of caveats, priority notices, extensions of priority notices and withdrawals of priority notices; or
  - (iv) Using administrative notices required to manage certificates of title.

## **3. Deemed compliance with insurance requirements**

3.1 The following are deemed to comply with insurance requirement 1:

- (a) a Legal Practitioner who holds or is covered by professional indemnity insurance which indemnifies the Legal Practitioner for claims arising from the conduct of a conveyancing transaction and either holds or is covered by fidelity insurance or contributes to, or on whose behalf a contribution is made to, or is covered by a fidelity fund operated pursuant to legislative requirements which includes coverage for claims arising from the conduct of a conveyancing transaction.
- (b) a conveyancer who holds or is covered by professional indemnity insurance which includes coverage for claims arising from the conduct of a conveyancing transaction and either holds or is covered by fidelity insurance or contributes to, or on whose behalf a contribution is made to, or is covered by a fidelity fund operated pursuant to legislative requirements which includes coverage for claims arising from the conduct of a conveyancing transaction.

3.2 A Mortgage Broker, when acting as Identity Agent of a mortgagee, is deemed to comply with insurance requirement 1 if:

- (a) pursuant to legislative requirements, either it holds or is covered by:
  - (i) professional indemnity insurance and fidelity insurance, or
  - (ii) professional indemnity insurance which provides cover for third party claims arising from dishonest and fraudulent acts, and
- (b) that insurance covers the verification of identity.

## **4. Compliance**

The Identity Agent must comply with any requirements set by its insurer.

## Appendix E Identity Agent Certification

### Identity Agent Certification

I, [full name of the Person who is undertaking the verification of identity], of [full name of Identity Agent] of [address of Identity Agent] being a [occupation of Identity Agent] and having been directed to use the Verification of Identity Standard by [Representative's or mortgagee's name] hereby certify that:

- (a) The identification relates to [full name of the Person Being Identified OR full name of Identity Declarant]; and
- (b) The identification was carried out on [date]; and
- (c) The original identification documents listed below were produced to me and copies of these documents endorsed by me as true copies are attached to this certification; and
- (d) The verification of identity was conducted in accordance with the Verification of Identity Standard; and
- (e) I witnessed [full name of the Person Being Identified execute the completed Client Authorisation or the instrument or grant the mortgage]\*

.....

Date

.....

Signature of Identity Agent

List of identification documents produced - see (c) above:

| Description of identity documents produced and endorsed | Page number in set of copies |
|---|------------------------------|
| [Eg Australian Passport]                                | 1                            |
|   |                              |
|   |                              |
|   |                              |

\*Delete where Identity Agent not requested to witness the document.

## Appendix F Self-Represented Party – Authorised Person Certification

### Self-Represented Party – Authorised Person Certification

I, [full name of natural person who is an Authorised Person], of [address of natural person who is an Authorised Person] being a [capacity in which natural person is an Authorised Person eg Justice of the Peace] hereby certify that:

- (a) The identification relates to [full name of the Person Being Identified]; and
- (b) The identification was carried out on [date]; and
- (c) The original and current identification documents listed below were produced to me and copies of these documents endorsed by me as true copies are attached to this certification; and
- (d) The verification of identity was conducted in accordance with the Registrar-General's Verification of Identity Requirements currently in force; and
- (e) I witnessed [full name of the Person Being Identified] execute the completed [list Registry Instrument(s) eg transfer/lease etc].<sup>3</sup>

Date.....

Authorised Person

Authorised Person's contact number

List of identification documents produced - see (c) above:

| Description of identity documents produced and endorsed | Page number in set of copies |
|---|------------------------------|
| [Eg Australian Passport]                                | 1                            |
|   |                              |
|   |                              |
|   |                              |
|   |                              |

<sup>3</sup> Delete if no instruments executed.