

Australian Capital Territory

Land Titles (Verification of Identity) Rules 2020

Disallowable instrument DI2020–112

made under the

Land Titles Act 1925, s 48BE (Verification of identity rules)

1 Name of instrument

This instrument is the *Land Titles (Verification of Identity) Rules 2020*.

2 Commencement

This instrument commences on 1 June 2020.

3 Rules

I make the attached Verification of Identity Rules.

David Pryce
Registrar-General
20 May 2020



ACT
Government

VERIFICATION OF IDENTITY

Registrar-General's Rules

ACCESS CANBERRA
LAND TITLES OFFICE

VERSION 1.0

Land Titles Act 1925

Section 48BE

Version 1 of the Verification of identity rules is made under section 48BE of the Land Titles Act and comes into force on 1 June 2020.



David Pryce

Registrar-General

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VERIFICATION OF IDENTITY

Registrar-General's Rules

1. DEFINITIONS

Term	Definition
ADI	Means an “authorised deposit-taking institution” under the <i>Banking Act 1959</i> (Cth).
Adult	Means an individual who is 18 or more.
Approved Insurer	Means: (a) a general insurer within the meaning of the <i>Insurance Act 1973</i> (Cth); or (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 (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.
Attorney	Means in relation to a Power of Attorney the person to whom the power is given.
Australian Credit Licence	Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth).
Australian Passport	Means a passport issued by the Commonwealth of Australia.
Authorised Person	Means a natural person listed at Appendix C, being a person authorised to undertake verification of identity for self-represented parties.
Bank Manager	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).
Body Corporate	Includes an association incorporated under the <i>Associations Incorporation Act 1991</i> (ACT) or a corresponding law of another State.
Category/Categories	Means the categories of identification documents set out in the table at Appendix B.
Client	Means a person who has appointed a Legal Practitioner pursuant to a Client Authorisation; or a caveator who has appointed a Legal Practitioner but has not executed a Client Authorisation; or a party to a Registry Instrument who has retained a Legal Practitioner to prepare that Registry Instrument on their behalf, so that the party, or their attorney, may execute it.

Client Authorisation	Means a Client Authorisation between a Client and a Legal Practitioner in a form in substantial compliance with the form set out in the Verification of Authority Rules Appendix A, as amended from time to time.
Community Leader	Means, in relation to an Aboriginal or Torres Strait Islander community: <ul style="list-style-type: none"> (a) a person who is recognised by the members of the community to be a community elder; or (b) if there is an Aboriginal council that represents the community, an elected member of the council; or (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 (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 (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 (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).
Conveyancing Document	Means a Client Authorisation under the <i>Land Titles Act 1925</i> or a Registry Instrument.
Conveyancing Transaction	(a) Has the meaning given to it in the Verification of Authority Rules.
Court Officer	Means a person who is currently a judge, master, magistrate, registrar or clerk, or the chief executive officer, of any court in Australia.
Credit Representative	Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth).
Credit Service	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.
Donor	Means in relation to a Power of Attorney the person giving the power.
Foreign Country	Means a country (whether or not an independent sovereign state) outside Australia and the external Territories.
Identifier Declaration	Means the declaration in clause 6.3 of these Rules.
Identity Agent	Means a person who: <ul style="list-style-type: none"> (a) meets the insurance requirements in compliance with Appendix D of these rules; and is either: (b) an agent of either a Legal Practitioner or a mortgagee who is authorised by the Legal Practitioner or mortgagee to conduct verification of identity on

	<p>behalf of the Legal Practitioner or mortgagee in accordance with the Verification of Identity Standard; or</p> <p>(c) appointed to conduct verification of identity in accordance with the Verification of Identity Standard on behalf of a person, other than a mortgagee, who is representing themselves to the Conveyancing Transaction.</p>
Identity Agent Certification	Means a certification in substantial compliance with the certifications set out in Appendix E of these requirements, as amended from time to time.
Identity Declarant	Means a person providing an Identifier Declaration.
Identity Verifier	Means the person conducting a verification of identity in accordance with the Verification of Identity Standard.
Justice of the Peace	Means a person currently appointed as a justice of the peace under the <i>Justices of the Peace Act 1989</i> (ACT) or a corresponding law of another State.
Land Council Officeholder	Means a chairperson or deputy chairperson of an Australian land council or land and sea council established under Commonwealth or State law.
Legal Practitioner	Means an Australian lawyer who holds a local practising certificate or interstate practising certificate under the <i>Legal Profession Act 2006</i> (ACT) and 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.
Medical Practitioner	Means a person currently registered under the <i>Health Practitioner Regulation National Law (ACT) Act 2010</i> (ACT) or a corresponding law of another State, to practise in the medical profession (other than as a student).
Mortgage Broker	Means an individual who is: <ul style="list-style-type: none"> (a) the holder of an Australian Credit Licence; or (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 (c) a Credit Representative of the holder of an Australian Credit Licence; 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.
Notary Public	A notary public is an officer of the law appointed by the Supreme Court under section 7 of the <i>Notaries Public Act 1984</i> .
Nurse	Means a person currently registered under the <i>Health Practitioner Regulation National Law (ACT) Act 2010</i> (ACT) or a corresponding law of another State, to practise in the nursing and midwifery profession as a nurse (other than as a student).

Person Being Identified	Means a person listed at Appendix A whose identity must be verified in accordance with these Rules.
Photo Card	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.
Police Officer	Means a member of the Australian Federal Police under the <i>Australian Federal Police Act 1979</i> (Cth) or the police force of another State under corresponding legislation.
Power of Attorney	Means a written Document by which a Donor appoints an Attorney to act as agent on the Donor's behalf.
Public Servant	Means a person currently employed in the Public Service under the <i>Public Sector Management Act 1994</i> (ACT) or a corresponding law of another State or the Australian Public Service under the <i>Public Service Act 1999</i> (Cth).
Registry Instrument	A paper instrument under the <i>Land Titles Act 1925</i> .
Relative	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.
State	Means Australian Capital Territory, New South Wales, Northern Territory of Australia, Queensland, South Australia, Tasmania, Victoria or Western Australia.
Statutory Body	Means a statutory authority, body or corporation including a State or Territory owned corporation (however described) established under any Commonwealth, State or Territory law.
Titles Register	Means: (a) the Register required to be maintained by section 43 of the <i>Land Titles Act 1925</i> , or (b) any other register prescribed by the regulations for the purposes of this definition.
Verification of Identity Standard	Means the Verification of Identity Standard set out in clause 6 of these Rules.

2. OVERVIEW

Summary

The identity of a party to a Registry Instrument must have their identity verified in accordance with these Rules.

Section 48BE of the *Land Titles Act 1925* requires a Legal Practitioner to verify the identity of their Client when their Client signs a Client Authorisation form authorising the Legal Practitioner to execute the Registry Instrument on behalf of their Client. According to clause 4.1 of these Rules, in order to

verify the identity of their Client, the Legal Practitioner must take “reasonable steps” to verify the identity of their Client.

Some Registry Instruments are not executed by a Legal Practitioner under a Client Authorisation; they are executed by the party to the Registry Instrument (or that party’s attorney). Clause 4.1 of these Rules requires Legal Practitioners 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 Legal Practitioner 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 Rules also requires mortgagees to take “reasonable steps” to verify the identity of mortgagors when a mortgage is entered into or varied.

Clause 6 of these Rules 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 Rules.***

Clause 4.8 of these Rules requires the Legal Practitioner or mortgagee to retain copies of any evidence supporting verification of identity. Legal Practitioners must retain these documents for at least 7 years from the date of lodgment of the Registry Instrument. Mortgagees must retain these documents until they cease to be mortgagee in respect of the mortgage.

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

Purpose of these Rules

These Rules have been introduced as stronger measures to protect against land title fraud in the Australian Capital Territory.

3. WHEN DO THESE RULES APPLY?

These Rules apply when signing Registry Instruments and documents under the *Land Titles Act 1925* to be lodged in-person at the Australian Capital Territory Land Titles Office.

Registry Instruments lodged electronically under the *Electronic Conveyancing National Law (ACT) Act 2020* (E-Conveyancing Law) are to comply with the participation rules made under the E-Conveyancing Law, section 23.

4. VERIFICATION OF IDENTITY BY LEGAL PRACTITIONERS AND MORTGAGEES

4.1 Requirement for Legal Practitioners and Mortgagees to verify identity

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

- (a) **Clients:** A Legal Practitioner 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 Legal Practitioner is authorised to execute the mortgage on behalf of the mortgagee the Legal Practitioner must take reasonable steps to verify the identity of: for a mortgage or a variation of mortgage, each mortgagor or each of their agents, where the Legal Practitioner represents the mortgagee - however, the Legal Practitioner need not take reasonable steps to verify the identity of each mortgagor or their agent if the Legal Practitioner is reasonably satisfied that the mortgagee it represents has taken reasonable steps to verify the identity of each mortgagor or their agent.

4.2 Method of Compliance

For the purposes of complying with clause 4.1 the Legal Practitioner 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.

It is a matter for the Legal Practitioner or mortgagee to determine what constitutes reasonable steps specific to the circumstances. This flexibility may assist Legal Practitioners and mortgagees in the current COVID-19 environment, who may consider using video technology to perform a face-to-face interview to verify the identity of their client or customer. As usual, evidence supporting the reasonable steps taken to verify the client's or customer's identity must be retained by the Legal Practitioner or mortgagee under clause 4.8.

4.3 Further checks for identity may be required

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

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

- (a) the Legal Practitioner 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 Legal Practitioner or mortgagee need not re-verify the identity of the Person Being identified if:

- (a) the Legal Practitioner or mortgagee respectively complied with clause 4.1 in relation to the Person Being Identified within the previous 2 years; and

- (b) the Legal Practitioner or mortgagee respectively 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 Legal Practitioner or mortgagee may use an Identity Agent; and
- (b) where an Identity Agent is used, the Legal Practitioner or mortgagee must direct the Identity Agent to use the Verification of Identity Standard; and
- (c) the Identity Verifier must be:
 - (i) the Legal Practitioner and/or the Legal Practitioner’s Identity Agent; or
 - (ii) the mortgagee and/or the mortgagee’s Identity Agent; and
- (d) the Legal Practitioner 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 Legal Practitioner 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 purpose of complying with clause 4.1 of these Rules.

4.7 Certification

Section 48BA and section 48BB of the *Land Titles Act 1925* provides a framework where certification of a person’s identity will be required from represented parties.

The Registrar-General must not register Registry Instruments without certification in the appropriate form, for each person that is party to the relevant Registry Instrument that is represented by the Legal Practitioner.

This includes requirements that:

- (a) the person’s identity has been verified in accordance with the Verification of Identity Rules
- (b) the certification may only be provided by an individual with personal knowledge of the matter they are certifying.

Where a party to a Registry Instrument is a mortgagee that is a corporation, the certification may be given by an employee of the corporation who has personal knowledge of the matter they are certifying.

The Legal Practitioner is to provide certification even where they engage an Identity Agent to undertake the verification of identity on their behalf.

4.8 Requirement to retain supporting evidence

Any evidence supporting verification of identity is to be retained:

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

5. VERIFICATION OF IDENTITY FOR SELF-REPRESENTED PARTIES

5.1 Requirement to have identity verified

Self-Represented Parties, other than mortgagees, are individuals who choose to prepare their own documentation to be lodged in the Land Titles Office rather than employing the services of a Legal Practitioner.

When a Registry Instrument is executed by a self-represented party, 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 Rules. 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 Identity Agent Certification in substantial compliance with Appendix E.

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 Land Titles Office with the documentation requirements listed in clause 5.2 securely attached to it. The self-represented party will also need to ensure that evidence is provided to verify their right to enter into the Conveyancing Transaction as per section 48BC(2)(b), of the *Land Titles Act 1925*.

Upon lodgment of the Registry Instrument, the Land Titles Office will then check the evidence attached to the Registry Instrument before accepting the lodgment.

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.

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. Broadly, this clause occurs when the person being identified has no photographic identity documentation.

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, Nurse, Public Servant, Legal Practitioner, or Police Officer.
- (b) The Identity Declarant is to provide the Identity Verifier with a statutory declaration consistent with Appendix F of these rules 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, Nurse, Public Servant, Legal Practitioner, 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 The mortgagee (if represented)
A Registry Instrument varying a mortgage	The mortgagor The mortgagee (if represented)
A Conveyancing Document listed above, executed by an Attorney of a party to a Registry Instrument, unless that Attorney is a Legal Practitioner of the party	The Attorney
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

APPENDIX B – 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 <u>plus</u> an Australian driver’s licence or Photo Card <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 <u>plus</u> full birth certificate or citizenship certificate or descent certificate <u>plus</u> Medicare or Centrelink or Department of Veterans’ Affairs card <u>plus</u> change of name or marriage certificate if necessary.
3	Australian driver’s licence or Photo Card <u>plus</u> full birth certificate or citizenship certificate or descent certificate <u>plus</u> Medicare or Centrelink or Department of Veterans’ Affairs card <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 <u>plus</u> another form of government issued photographic identity document <u>plus</u> 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 <u>plus</u> full birth certificate <u>plus</u> another form of government issued identity document <u>plus</u> a change of name or marriage certificate if necessary.
5	(a) Identifier Declaration <u>plus</u> full birth certificate or citizenship certificate or descent certificate <u>plus</u> Medicare or Centrelink or Department of Veterans’ Affairs card <u>plus</u> change of name or marriage certificate if necessary. (b) Identifier Declaration by a person specified in clause 6.3 (a)(v) <u>plus</u> Medicare or Centrelink or Department of Veterans’ Affairs card <u>plus</u> 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><u>plus</u> another form of government issued photographic identity document <u>plus</u> change of name or marriage certificate if necessary.</p> <p>(b) Foreign passport <u>plus</u> full birth certificate <u>plus</u> another form of government issued identity document <u>plus</u> change of name or marriage certificate if necessary.</p>
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APPENDIX C – PERSONS AUTHORISED TO IDENTIFY SELF-REPRESENTED PARTIES

Authorised Person	Information/Locations for Authorised Persons within the Australian Capital Territory
Identity Agent	Please see Land title lodgements, registration and searches .
Justice of the Peace	Justice of the Peace jp@act.gov.au To locate a JP in your area https://www.accesscanberra.act.gov.au/app/services/jpreregister
Legal Practitioner	Legal Practitioner- ACT Law Society https://www.actlawsociety.asn.au/
Notary Public	https://www.courts.act.gov.au/supreme/services/notary_public

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 Rules; 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 Rules; 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 Rules; 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, or withdrawals of caveats

3. Deemed compliance with insurance requirements

3.1 The following is 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.

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/Authorised Person] of [address of Identity Agent/Authorised Person] being a [occupation of Identity Agent] and having been directed to use the Verification of Identity Standard by [Legal Practitioner’s, mortgagee’s, or self-represented party 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 Registrar-General’s Verification of Identity Rules currently in force; and
- (e) I acknowledge that personal information of the person being identified is for the purpose of registration of interests relating to land and must not disclose this information to third parties outside this purpose; and
- (f) I witnessed [full name of the Person Being Identified execute the completed Client Authorisation or the Registry instrument or grant the mortgage]*

.....

Date

.....

Signature of Identity Agent/Authorised Person

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 is not requested to witness the document or if the Identity agent has certified in the Client Authorisation that they have witnessed the Person Being Identified executing the Client Authorisation.

APPENDIX F – IDENTIFIER DECLARATION

I(full name of declarant)

of(address)

Do solemnly and sincerely declare

My occupation:.....

My date of birth:.....

That I know the applicant by way of:.....

and that I have known them for a period of:.....

Furthermore I declare that we are not related, I am not party to this Conveyancing Transaction and that to the best of my knowledge and belief the Person Being Identified is who they purport to be

.....

(state the name of the person being identified)

.....

(declarant signature)

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the *Oaths and Affirmations Act 1984*.

Declared and subscribed

at.....

by the said.....

this day of 20..... before me:

.....

Signature and capacity of authorised functionary

Description of identity documents produced and endorsed	Page number in set of copies
<i>[Eg Australian Passport]</i>	1



ACT
Government

Access Canberra
Land Titles Office

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