

**Western Australian
Registrar and Commissioner
of Titles
Joint Practice:**

Verification of Identity

Dated: 20 June 2012

Fraud Mitigation

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Registrar of Titles and Commissioner of Titles
Landgate
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EXECUTIVE SUMMARY

This Verification of Identity Practice has been issued jointly by the Western Australian Registrar of Titles and Commissioner of Titles. It applies only to documents executed on paper. It sets out the minimum standard of Verification of Identity for registered proprietors and others who sign a range of real property documents that are to be lodged with Landgate.

This Practice does not apply to:

- enduring powers of attorney made under the *Guardianship and Administration Act 1990*
- documents lodged under the *Land Administration Act 1997*; and
- real estate agents carrying out real estate functions.

This Practice commences transitionally starting on 1 July 2012, with full compliance expected on 2 January 2013.

It is intended to reduce and better manage fraud risk with the aim of strengthening the integrity of the Western Australian Torrens land title system for the benefit of all users of that system. It is also intended to reduce the risk of successful claims for compensation against industry participants, and against the State under the *Transfer of Land Act 1893*.

This Practice is based upon the proposed standard of verification of identity being considered for introduction as part of National Electronic Conveyancing.

The standard of verification of identity required in this Practice has two base requirements:

- (a) Identity Document Production: Production of current, original identity documents from the categories in Table 1 or Table 2 at Appendix B; and
- (b) Visual Verification of Identity: A visual “face to face”, comparing the photograph on the current original identity documents with the person being identified.

The highest category of identity documents specified in Appendix B should be produced first, with category 1 being the highest. For verification of identity within Australia the required identity documents are set out in Table 1 at Appendix B.

A different standard applies to documents executed outside of Australia. Verification of identity performed outside of Australia must be undertaken by an Australian Consular Officer using the documents set out in Table 2 at Appendix B. An Australian Consular Officer must also witness the execution of the document.

When verification of identity is conducted within Australia, the conveyancer/lawyer/mortgagee can perform the verification of identity themselves or appoint an agent to do the verification of identity on their behalf. However, the obligation is at all times that of the conveyancer/lawyer/mortgagee.

Mere mechanical compliance with this Practice is not sufficient to achieve its objectives. Vigilance must be maintained throughout the entire transaction. If a conveyancer/lawyer/mortgagee has any concerns or doubt about the identity of the individual at any time and for any reason, further enquiries should be made until the conveyancer/lawyer/mortgagee is satisfied that the person is who they claim to be and has the authority to deal with the interest in land.

Western Australian Registrar and Commissioner of Titles Joint Practice:

Verification of Identity

Dated: 20 June 2012

1. Overview

1.1 Transitional Commencement

This Verification of Identity Practice (this 'Practice') has been issued jointly by the Western Australian Registrar of Titles and Commissioner of Titles. It sets out the minimum standard of Verification of Identity for registered proprietors and others who sign a range of real property documents that are to be lodged with Landgate and that are specified in Appendix A.

This Practice applies only to paper documents.

This Practice commences transitionally starting on 1 July 2012, with full compliance expected on documents lodged on and after 2 January 2013.

During this Transitional period, implementation of this Practice may occur at any time, with the expectation that documents **lodged on or after Wednesday 2 January 2013 will comply** with this Practice.

Documents executed before, and lodged on or after, 2 January 2013 should comply with this Practice.

The Registrar and the Commissioner of Titles strongly encourage this Practice to be followed from **1 July 2012**.

1.2 Purpose

The purpose of this joint Practice is to reduce the risk of land title fraud and other improper land title dealings in Western Australia ("WA").

This reduction in risk strengthens the security, certainty and integrity of the Western Australian Torrens land title system. It also reduces the risk of successful claims for compensation against industry participants and against the State under the *Transfer of Land Act 1893* ("the Act").

It is designed to assist those in the property industry to discharge their duty of care to those holding and acquiring interests in land.

A vigilant, responsive and co-operative property industry as a whole is needed to successfully combat fraud.

The best opportunity to prevent fraud is before documents affecting WA Land Titles are executed and lodged at Landgate.

The Registrar of Titles registers a change in property ownership at the end of the sale process, following financial settlement. Where a mortgage is granted, the

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Registrar of Titles registers a mortgage against the property after funds have been advanced.

This means that the greatest opportunity to prevent title fraud is before payment of the balance of the purchase price is made at settlement and before mortgage funds are advanced.

1.3 Title Fraud

Two well publicised alleged title frauds in 2010 and 2011 in WA have driven the need for more thorough Verification of Identity of persons involved in real property transactions under the Act. Checking the identity of persons executing documents that are later registered or noted on the WA Land Titles Register, or noted in the Book of powers of attorney kept by the Registrar of Titles¹, is one critical step in reducing the risk of title fraud resulting from successful identity theft.

In both of the alleged title frauds, it appears that the existing registered proprietors (owners) of the properties were defrauded by the theft of their identity and the forgery of their signatures on documents that were lodged with Landgate. These alleged frauds occurred whilst the registered proprietors were overseas.

While it appears that these two alleged frauds were perpetrated from outside of Australia, title fraud resulting from identity theft could be committed by persons residing anywhere in the world, including Australia.

1.4 Application of this Practice

This Practice applies to the document types and to the parties specified in the Table at Appendix A. It applies to documents executed inside and outside of Australia.

For the purposes of this Practice, a document includes but is not limited to, instruments and applications that are executed and lodged with Landgate for registration or noting by the Registrar of Titles or Commissioner of Titles under the Act.

This Practice does not apply to enduring powers of attorney under the *Guardianship and Administration Act 1990* and documents under the *Land Administration Act 1997*.

This Practice supersedes all previous Customer Information Bulletins (CIB) issued in relation to establishing the identity of transferors before its commencement.

This Practice will be incorporated into the Land Titles Registration Practice Manual; available on-line at www.Landgate.wa.gov.au

This Practice anticipates that when real property is being sold Verification of Identity of the seller/transferor will usually occur twice in the sale process by:

- Firstly, the Real Estate Agent as soon as practicable after a listing has been received but before entering into a contract of sale; and
- Secondly, the Settlement Agent or lawyer before financial settlement and before documents are signed.

The Department of Commerce is responsible for regulating real estate agents and settlement agents. On 1 November 2011, the Department introduced express requirements for real estate agents and settlement agents to identify their clients

¹ Under section 143 Transfer of Land Act 1893 a Power of Attorney is lodged with the Registrar of Titles and noted in the book kept by the Registrar of Titles. This book of powers of attorney is separate to the Titles Register.

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under their respective Codes of Practice.² **Real estate agents** are required to identify their clients as soon as practicable after a listing has been received but before entering into a contract of sale. This Practice does not apply to real estate agents carrying out real estate functions.

Settlement agents are required to identify their clients “...as soon as practicable after receiving instructions to act for a person in arranging a settlement and before settlement takes place...”.

This Practice complements these requirements.

This Practice is based upon proposals for verification of identity being considered for introduction as part of National Electronic Conveyancing.

This Practice does not fetter the discretion of either the Registrar of Titles or the Commissioner of Titles. All documents lodged are subject to the usual examination process at Landgate. The Registrar of Titles and the Commissioner of Titles retain the right to request further information and/or make other enquiries as considered appropriate.

1.5 Sufficient Enquiries Must be Made

A conveyancer/lawyer acting for their client or mortgagee lending funds should make all reasonable efforts to verify:

- the identity of each person who claims to be, or to act for, a person disposing of the relevant interest in land; and
- that the identified person has legal authority to give the instructions as to the relevant interest in the land.

1.6 Identity Document Production

The identity documents required under this Practice, and set out in the Table at Appendix B, are based upon modelling³ undertaken as part of the submission by National E-Conveyancing Development Limited (NECDL) in its submission to the Australian Registrars National Electronic Conveyancing Council (ARNECC). The modelling indicates that:

- for 65% of the population, will be able to produce an Australian Passport and Driver's Licence ;
- for 95% of the population, will be able to produce an Australian Passport or Driver's Licence plus a birth certificate⁴ (or equivalent) and a credit card (or equivalent);
- only 5% of the population will need to produce a Declaration of Identity (refer to clause 4.5.1.2) and these persons are the least likely to be property owners.

² Real Estate Agents' Code of Conduct under the *Real Estate and Business Agents Act 1978* and Settlement Agents' Code of Conduct under the *Settlement Agents Act 1981*

³ Based upon modelling by Price Waterhouse Coopers using ABS Statistics

⁴ Certificate of birth issued by the Western Australian Registry of Births, Deaths & Marriages in accordance with the *Births, Deaths and Marriages Registration Act 1998* for births registered in Western Australia or jurisdictional equivalent

2. Responsibility for Verification of Identity

A conveyancer/lawyer is responsible for verifying the identity of their client – the person for whom they prepare documents affecting land title which will be lodged at Landgate. The mortgagee is responsible for verifying the identity of the mortgagor.

A self represented party is responsible for ensuring his/her own identity has been independently verified by an Identifier.

3. Verification of Identity Standard

3.1 Standard

The standard of verification of identity required in this Practice has two base requirements:

(a) Identity Document Production: The production of **current, original** identity documents from the categories in Table 1 or Table 2 at Appendix B;

and

(b) Visual Verification of Identity: A visual “**face to face**” assessment of the identity documents and the person to whom they relate, comparing the photograph on the current original identity documents with the person being identified.

Copies of identity documents, including certified copies, are not acceptable.

The highest and preferred standard of identity documents should be produced in the first instance by the person to be identified. Category 1 is the highest standard (refer to Appendix B).

This new standard is based upon proposals being considered for introduction nationwide as part of National Electronic Conveyancing.

Identifiers should compare signatures affixed to land transaction documents with the signatures appearing on original identity documents. Landgate staff will **not** determine whether a signature is genuine.

3.2 Identity Document Production

To satisfy the Identity Document Production standard:

Inside Australia - Appendix B Table 1: The person who is being identified should produce to the person who performs the identification all the current and original identity documents specified in the highest category possible detailed at Appendix B Table 1.

The highest category are those documents in category 1, with the lowest standard being category 4. Category 5 is for foreign nationals residing in Australia who cannot meet the requirements of category 1, 2 or 3.

Outside Australia – Appendix B Table 2: The person who is being identified should produce to the Australian Consular Officer who performs the identification, all current and original documents specified in the highest possible category in Appendix B Table 2.

The highest standard is documents in category 1 and the lowest in category 2.

3.3 Visual Verification of Identity

To satisfy the Visual Verification of Identity standard of this Practice, inside and outside Australia, the person who is being identified should present themselves in person to the Identifier. Outside Australia, the Identifier will be an Australian Consular Officer.

The Identifier should scrutinise the identification documents when they meet face to face with the person being identified.

It is suggested that the Identifier may wish to satisfy themselves that the person appears to have similar facial characteristics⁵ as those depicted in the photographs included in the original identity documents.

4 Verification of Identity Practice

4.1 Who should be Identified?

Subject to the exception in clause 4.3 for ongoing relationships, the Verification of Identity Practice must be applied to each natural person:

- executing a document as specified at Appendix A;
- executing a document specified at Appendix A on behalf of a Company/Incorporated body/Statutory body; and
- Making a Declaration of Identity (Refer to clause 4.5.1.2).

4.2 Who Can Do Verification of Identity?

The "Identifier" undertakes the Verification of Identity in accordance with this Practice.

4.2.1 Within Australia

Within Australia, the "Identifier" may be the conveyancer/lawyer/mortgagee themselves or they may choose to appoint a third party as their agent to undertake the verification of identity on their behalf.

Australia Post may provide a verification of identity service at certain of its outlets. There may be other verification of identity service providers that the conveyancer/lawyer/mortgagee may choose to appoint to do verification of identity on their behalf.

It is recommended that Identifiers who are agents are appointed formally in writing with an agreement that sets out the requirements and conditions under which the verification of identity is to be conducted. The Registrar and Commissioner of Titles are not concerned with those arrangements as they rely upon the conveyancer/lawyer/mortgagee's confirmation of identity.

⁵ Facial characteristics are the shape of the mouth, nose, eyes and the position of the cheek bones rather than the colour and cut of a persons hair or makeup used

4.2.2 Outside of Australia

Outside of Australia, the Identifier should always be an Australian Consular Officer⁶ who undertakes Verification of Identity in accordance with this Practice.

Positions that are within the definition of an Australian Consular Officer are:

- ambassador
- minister
- high commissioner
- head of mission
- commissioner
- chargé d'affaires
- consul or secretary at an embassy, high commissioner's office, legation or other post
- consular-general
- consul
- vice-consul,
- trade commissioner, and
- consular agent

Australian Consular Officers should also witness documents executed outside Australia (if a witness is required).

4.3 When Must Verification of Identity Occur?

Subject to the exceptions below, Verification of Identity is to be undertaken at any time after receiving instructions and before execution of a document to which this Practice applies.

Identification and execution of the documents may not necessarily occur at the same time. However, it is essential that the verification of identity has occurred before the documents are lodged for registration or noting.

Ideally, verification of identity should occur immediately prior to the execution of the document, so that the Identifier and witness, (if a witness is required), are the same person.

The Registrar of Titles and Commissioner of Titles consider that verification of identity immediately prior to execution of documents provides for the lowest risk of potential fraud.

As to category 4 documents, where a Declaration of Identity is being used as an identity document, Verification of Identity of the person making the Declaration of Identity (refer to clause 4.5.1.2) should take place:

- at the time of execution of the Declaration of Identity; and
- before the Verification of Identity of the person relying on the Declaration of Identity as an identity document.

4.3.1 Exceptions for Ongoing or Continuous Business Relationships

The conveyancer/lawyer or the mortgagee may decide not to verify the identity of their client on every occasion if their client is known to them through a long standing professional relationship in the following two (2) cases only:

⁶ An Australian Consular Officer within the meaning of the *Transfer of Land Act 1893* section 145(4).

4.3.1.1 Transfer of Land documents

Where a person is represented by the same conveyancer/lawyer on a continuous or ongoing basis with respect to the sale of real property in Western Australia, Verification of Identity is required on the first and second transfer but not on any subsequent transfers within the next two (2) years.

For a continuous and ongoing relationship to exist the person to be identified must be represented by the same conveyancing/law firm.

4.3.1.2 Mortgage documents

Where a person obtains a mortgage from the same mortgagee, whether private or corporate on a continuous or ongoing basis, against land titles in Western Australia, Verification of Identity is required on the first and second mortgage but not on any subsequent mortgages within the next two (2) years.

For a continuous and ongoing relationship to exist the person to be identified must take the mortgage with the same mortgagee.

4.4 How to Identify Companies/Incorporated Bodies/Statutory Bodies

The requirements for execution of documents by companies and other incorporated/statutory bodies are detailed in the Land Titles Registration Practice Manual.

When a natural person is executing a document on behalf of a company or other incorporated/statutory body, the conveyancer/lawyer/mortgagee in a transaction must satisfy themselves as a reasonable person on three matters:

1. The continued existence of the body at the time of execution of the document; and
2. That the natural persons who are signing on behalf of the body or attesting the seal on the document are current officers of the body and are authorised to execute the documents; and
3. That the identity of the natural person signing on behalf of the body or attesting the seal on the document corresponds with the identity of persons ascertained under the preceding paragraph (refer to clause 4.5).

A conveyancer/lawyer/mortgagee may be able to satisfy themselves as to those matters by the following:

- (a) In the case of a company incorporated under the *Corporations Act 2001* (Corporations Act) by obtaining a company search that is not more than 30 days old at the time of conducting the Verification of Identity and checking from the search the continued existence of the company, that the details are consistent, and the identity of the persons identified as its current director(s) and secretary;
- (b) In the case of an incorporated body not incorporated under the Corporations Act (including a foreign registered body) by obtaining:
 - (i) evidence that is not more than 30 days old at the time of Verification of Identity to establish the continued existence of the body;
 - (ii) an extract from the body's constituent documents (e.g. Constitution) that establishes which officers of the body are authorised to execute documents on behalf of the body under seal or by signing; and

- (iii) a current resolution that is not more than 90 days old at the time of identity verification and certified by an officer identified under (ii) that specifies the full names of the persons and positions held by such persons in that body.
- (c) In the case of a statutory body, evidence and/or knowledge of the existence of the body and of the authority of the persons to act on behalf of that body.

4.5 How to Identify a Natural Person in Australia

4.5.1 Identity Documents Table 1 at Appendix B

As outlined in clauses 3.1 and 3.2, the person to be identified should produce all of the documents from the highest category possible for that individual. The identity document categories are to be treated progressively starting at category 1 as the highest. Where a person does not have category 1 identity documents, then the document combinations in category 2 through to category 5 should be used.

Category 5 is for foreign nationals residing in Australia who cannot meet the requirements of category 1, 2 or 3.

In the case where Category 1 identity documents cannot be produced, the Registrar and Commissioner consider it may be prudent for the conveyancer/lawyer/mortgagee to obtain a statutory declaration from the person being identified stating why they cannot provide category 1 documents.

4.5.1.1 Category 4 - Declaration of Identity

Category 4 documents will need to be used where a person is not a foreign national and is unable to satisfy the identity document requirements in category 1, 2 or 3 (Refer to the Table 1 identity documents at Appendix B).

Category 4 is the lowest level of verification of identity under this Practice and Identifiers should be particularly vigilant as the risk levels of not achieving a proper and correct identification are much higher in this category.

The person executing the document must present in person to an Identifier (Refer clause 4.2.1) and produce all the current original documents specified in category 4, including the Declaration of Identity. To be valid under this Practice, the Declaration of Identity must have attached the certified copies of the identity documents used to establish the identity of the person making the Declaration of Identity.

If a Declaration of Identity (with certified copies of the identity documents of the person making the Declaration of Identity attached) is used as an identity document, the conveyancer/lawyer/mortgagee should also receive the certified copies of the other identity documents used from category 4 to identify the person executing the real property document to be lodged at Landgate.

4.5.1.2 The Declaration of Identity

To satisfy the requirements of category 4, the person who makes the Declaration of Identity must have their own identity verified by an 'Identifier' in accordance with this Practice as if that person was the person executing the real property document to be lodged at Landgate.

A Declaration of Identity can only be made by an individual who:

1. is over the age of 18;
2. has known the person being identified for more than 12 months and who is executing the document;
3. is not a relative of the person being identified and who is executing the document;
4. is not the person's agent in the transaction; and
5. is not a party to the document.

The Declaration of Identity should be made as a statutory declaration⁷ and detail the following:

- The occupation of the person making the declaration;
- The full name, address and date of birth of the person making the declaration;
- The full name and date of birth of the person being identified and who is executing the document;
- The nature of the person's relationship with the person being identified and who is executing the document;
- Declaring that they are not a relative of the person being identified and who is executing the document;
- The length of time that they have known the person being identified and who is executing the document; and
- Specify the document type the person being identified is executing and include the land description specifying the certificate of title volume and folio number.

The identity of the person making the Declaration of Identity can be verified at the same time as the person executing the real property document to be lodged at Landgate and by the same Identifier, or performed independently using the documentation set out in the Table 1 at Appendix B and the requirements detailed in clause 3 of this Practice.

Copies of all original identity documents produced to the Identifier must be certified by the Identifier and attached to the Declaration of Identity.

4.5.2 Visual Verification of Identity

The visual verification process is described in clause 3.3.

4.6 How to Identify a Natural Person Outside of Australia

4.6.1 Identity Documents

In cooperation with the Department of Foreign Affairs and Trade (DFAT), Verification of Identity outside of Australia can only be undertaken by an Australian Consular

⁷ Made under the *Oaths Affidavits and Statutory Declaration Act 2005 (WA)*.

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Officer using current and original documents set out in Table 2 at Appendix B, namely:

- a rates notice issued by the local government applicable to the property⁸;
- a passport (a birth certificate will be accepted if a passport has not been issued); and
- a driver's licence (or other equivalent photographic identification issued by a government body).

At least one piece of identification must have a photo and signature of the person whose identity is being verified.

If a rates notice cannot be produced, the Registrar of Titles or Commissioner of Titles, as appropriate, will consider this requirement on a case by case basis.

The identity document categories are to be treated progressively starting at category 1 as the highest and category 2 as the lowest. That is, the person to be identified should produce all of the documents from the highest category possible for that individual.

In circumstances where the execution of a document is not required to be witnessed e.g. where a company is executing by its officers but the conveyancer/lawyer/mortgagee is aware that the execution is to occur outside of Australia, the Verification of Identity is to take place in accordance with the provisions of this clause (i.e. original documents must be sighted and verified by an Australian Consular Officer).

4.6.2 Visual Verification of Identity

The visual verification process is described in clause 3.3. As Identifier, the Australian Consular Officer must meet face to face with the person being identified to scrutinise their documentation.

4.7 The Identifier's Role

4.7.1 Represented Party

The Registrar and the Commissioner recommend that, on completion of the Verification of Identity, the Identifier should make a complete copy of the original identity documents relied upon and do the following:

- (a) complete the Identifier's Certificate in the form suggested at Appendix C-1 for each individual identified and refer to and attach the copies of the identity documents relied upon;
and
- (b) sign their name and date each copy of the identity documents stating that it is a true copy of the original;
and
- (c) witness the execution of the relevant transaction document after the identity of the person has been verified.

The conveyancer, lawyer or the mortgagee may or may not decide to require an Identifier's Certificate or similar from their appointed agent. The Registrar and Commissioner are not involved with those arrangements, as they rely upon the conveyance/lawyer/mortgagee's confirmation of identity.

⁸ Or a letter from the relevant local government stating the name of the land owner(s) as recorded on the Local Government records.

4.7.2 Self Represented Party

Self represented parties must be identified by an Identifier who appears on the Landgate Panel of Identifiers⁹.

The Identifier, on completion of the Verification of Identity, should make a complete copy of the original identity documents relied upon and do the following:

- a) complete the Identifier's Certificate in the form at Appendix C-2 for each individual identified and refer to and attach the copies of the identity documents relied upon;
and
- b) sign their name and date each copy of the identity documents stating that it is a true copy of the original;
and
- c) witness the execution of the document after the identity of the person has been verified.

4.7.3 Documents to be provided to the Conveyancer/Lawyer/Mortgagee

The conveyancer/lawyer/mortgagee who does not do the verification of identity themselves may wish to obtain and review the certified and signed copies of the identity documents as well as the Identifier's Certificate suggested at 4.7.1

If the conveyancer/lawyer/mortgagee has any concerns that the identity of the person has not been verified in accordance with this Practice, or even if it has, if they have any other concerns about the identity of the person being verified or their authority to deal with the interest in land, they should either:

1. Verify the identity of the person themselves in accordance with this Practice; or
2. Arrange for the person to be identified again in accordance with this Practice; or
3. Take what other actions they consider appropriate.

4.7.4 Documents to be provided to the Registrar /Commissioner of Titles

4.7.4.1 By Conveyancer/Lawyer/Mortgagee

A statutory declaration or a statement on letterhead addressed to the Registrar of Titles or the Commissioner of Titles should be:

1. made by the conveyancer/lawyer acting for the party identified or by the mortgagee of the party identified ;
and
2. lodged together with the documents for registration or noting.

The statutory declaration or statement should cover the following:

- the full name and address of the person identified
- the date and country where the person was identified;
- list the identification documents relied upon e.g. Australian Passport number Z223789.
- State the full name and address of the conveyancer/lawyer or mortgagee;
- Include a daytime telephone number of the conveyancer/lawyer or mortgagee;
and

⁹ Landgate Panel of Identifiers is open to third parties who undertake verification of identity services in accordance with this Practice. A list will be available online at Landgate's website www.landgate.wa.gov.au.

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- Include an email address of the conveyancer/lawyer or mortgagee.

AND ALSO, as appropriate state

"I [name of conveyancer or lawyer acting for the person being identified or name of mortgagee] have taken all reasonable steps to identify my client (full name of person being identified) in accordance with the Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity.

I reasonably believe my client has been identified.

I reasonably believe my client has the authority to deal with the interest in land the subject to this transaction (specify transaction document, land description and certificate of title volume folio number)"

A second option, not yet available, is to endorse a certification on the document as part of the approved form lodged for registration or noting. The certification will cover the points required in the statutory declaration or statement.

4.7.4.2 By Self Represented Party;

A Self represented party who is identified in accordance with Practice should ensure that the document or documents lodged for registration or noting also attach:

1. a duly completed Identifier's Certificate (Self Represented Party) in the form at Appendix C-2;
2. copies of the identity documents used by the Identifier and certified by the Identifier as true copies of the originals; and
3. a copy of the documents signed by all parties and duly witnessed by the Identifier(s) who undertook the Verification of Identity process.

5. Identity Documents to be Kept Secure

The Commissioner of Titles and Registrar of Titles strongly recommend that the certified copies of the identity documents be kept in a secure manner to prevent misuse of the identity information contained in them whilst they are in the possession of the conveyancer/lawyer/mortgagee.

The Commissioner of Titles and Registrar of Titles consider that it may be good practice for copies of these identity documents to be retained for seven (7) years from the date of the Verification of Identity.

6. Mere Mechanical Compliance Not Sufficient

Mere mechanical compliance with this Practice, without attention to detail, is not sufficient.

For example, there may be cases where a prudent Identifier or conveyancer/lawyer/mortgagee would consider it reasonable to conduct further checks, such as where:

- a name or address is not exactly the same as the name of the current registered proprietor; or
- the Identifier conveyancer/lawyer/mortgagee forms the view that the person executing the instrument appears not to be of the same gender as the current registered proprietor;
- the Identifier or the conveyancer/lawyer/mortgagee forms the view that the person who executes the instrument appears to be younger or older than the current registered proprietor;

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- the Identifier or the conveyancer/lawyer/mortgagee forms the view that the details in the passport are not similar to the person presenting the document; or
- the name on the various identity documents are not the same and if relevant are not the same as on the certificate of title

It is essential that the Identifier and conveyancer/lawyer/mortgagee has the independence to refuse to verify the identity if the evidence presented to them does not meet what is required under this Practice or there is a concern about the authenticity of the evidence provided or if there is some other doubt about the identity.

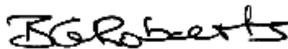
If an Identifier, conveyancer/lawyer/mortgagee is of the view that a criminal act or improper dealing may be taking place in that a person is attempting a fraudulent real estate transaction, the matter should be immediately reported to:

- WA Police; and
- the Department of Commerce, if real estate or settlement agents are involved.

The Registrar of Titles or the Commissioner of Titles, as appropriate, should be advised preferably in writing, for information purposes. Each report will be considered on a case by case basis to determine what action, if any, will be taken in the particular circumstances. In advising the Registrar or Commissioner, details of the certificate of title by volume and folio number as well as the names of the parties involved should be provided.

7. Amendment

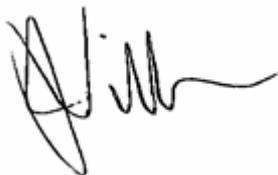
This Practice will be amended by the Registrar and Commissioner of Titles from time to time, as required.



BRUCE ROBERTS
REGISTRAR OF TITLES



SUSAN DUKES
COMMISSIONER OF TITLES



JEAN VILLANI
DELEGATE OF REGISTRAR OF TITLES

DATED: 20 JUNE 2012

APPENDIX A

Table of Documents to which this Practice applies

Document Type	Party Required to be Identified in Accordance with this Practice	Responsibility
Transfer of Land	Seller/Transferor	Registrar of Titles
Mortgage	Mortgagor	Registrar of Titles
Request for Duplicate Certificate of Title	Registered Proprietor and Applicant	Registrar of Titles
Replacement Duplicate Certificate of Title	Registered Proprietor and Applicant	Commissioner of Titles
Transmission	Executor/Administrator, Applicant	Commissioner of Titles
Survivorship	Survivor, Applicant	Commissioner of Titles
Power of Attorney	Donor	Registrar of Titles

- This Practice does not apply to Enduring Powers of Attorney made under the *Guardianship and Administration Act 1990* and documents lodged under the *Land Administration Act 1997*.

APPENDIX B

Verification of Identity Documents

- Copies of identity documents, including certified copies, are not acceptable.

Table 1 – Verification conducted Inside Australia

To satisfy the Identity Document Production requirement, the person whose identity is being verified is to produce **original current** documents in one of the following categories starting with Category 1 as the highest standard:

Category	Minimum Document Requirements
1	Australian Passport <u>plus Australian Drivers Licence</u> <u>or Australian Proof of Age Card with Photo</u>
2	Australian Passport <u>plus Birth, Citizenship, Descent Certificate</u> <u>or Resident Visa</u> (with change of name or marriage certificate if necessary) <u>plus Medicare, Centrelink</u> <u>or Department of Veterans Affairs (DVA) Card</u>
3	Australian Drivers Licence <u>or Australian Proof of Age Card with Photo</u> <u>plus Birth, Citizenship, Descent Certificate</u> <u>or Resident Visa</u> (with change of name or marriage certificate if necessary) <u>plus Medicare, Centrelink</u> <u>or DVA Card</u>
4	Declaration of Identity <u>plus Birth, Citizenship, Descent Certificate</u> <u>or Resident Visa</u> (with change of name or marriage certificate if necessary) <u>plus Medicare, Centrelink</u> <u>or DVA Card</u>
5	Foreign Passport <u>plus Visa</u> plus current rates notice for the property ¹⁰ issued by the local government and drivers licence (if verification conducted in Australia)

NOTE: Refer to clause 4.5.1.1 for information on Category 4 requirements.

Table 2 – Verification conducted Outside Australia

To satisfy the Identity Document Production requirement, the person whose identity is being verified is to produce **original current** documents in one of the following categories starting with Category 1 as the highest standard:

:

Category	Minimum Document Requirements
1	Australian or Foreign Passport <u>PLUS Drivers Licence</u> <u>or other equivalent Photo identification issued by a Government body</u> <u>plus current Rates notice for the property issued by the local government</u>
2	Australian or Foreign Passport <u>OR Birth Certificate if a Passport has not been issued PLUS Drivers Licence</u> <u>or (or other equivalent Photo identification issued by a Government body) PLUS current Rates notice for the property issued by the local government</u>

¹⁰ Or a letter from the relevant local government stating the name of the land owner(s) as recorded on the local government records.

INSTRUCTIONS

1. Full name, address and occupation of Identifier must be stated.
 - (a) State full name of person being identified.
 - (b) State the date on which and the address including country where the identification was carried out.
2. Identifier to date, sign the Identifier's Certificate and state their contact telephone number.
3. Description of original identity documents and page number in set of copies to be stated.
 - E.g. Australian Passport (1)
 - Western Australian Driver's Licence (2)
 - Rates Notice (3)
 - Birth Certificate (4)

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1. Full name, address and occupation of Identifier must be stated.
 - a) State full name of person being identified.
 - b) State the date on which and the address including country where the identification was carried out.
2. Identifier to date, sign the Identifier's Certificate and state their contact telephone number.
3. Description of original identity documents and page number in set of copies to be stated.
E.g. Australian Passport (1)
Western Australian Driver's Licence (2)
Rates Notice (3)
Birth Certificate (4)
4. Where all parties are self represented the form must be lodged with Landgate at the time of document lodgement.