



Government of South Australia

Department of Planning,
Transport and Infrastructure

Verification of Identity

Registrar-General's Verification of Identity Requirements

Lands Titles Office

27 April 2015

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*, must be verified in accordance with these Requirements.

These Requirements are in force from today. Any previous version of these Requirements is now superseded.

27 April 2015.



Brenton Pike
Registrar-General
Lands Titles Office



Registrar-General's Verification of Identity Requirements

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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.
Australian Consular Officer	Has the meaning given to it in the <i>Consular Fees Act 1955</i> (Cth).
Australian Diplomatic Officer	Has the meaning given to it in the <i>Consular Fees Act 1955</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 1985</i> (SA) or a corresponding law of another State.
Category/Categories	Means the categories of identification documents set out in the table at Appendix B.
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 Commission 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 Commission 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 Commission 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).

Competent Officer	Has the meaning given to it in the <i>Defence Force Regulations 1952</i> (Cth).
Conveyancer	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.
Conveyancing Instrument	Means a document or instrument under the <i>Real Property Act 1886</i> listed at Appendix A.
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.
Defence Force	Has the meaning given to it in the <i>Defence Act 1903</i> (Cth).
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 7.3 of these Requirements.
Identity Declarant	Means a person providing an Identifier Declaration.
Justice of the Peace	Means a person currently appointed as a justice of the peace under the <i>Justices of the Peace Act 2005</i> (SA) 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 a person currently entitled to practise the profession of law under the <i>Legal Practitioners Act 1981</i> (SA) or a corresponding law of another State.
Local Government Officeholder	Means a chief executive officer or deputy chief executive officer of a metropolitan or regional council constituted under the <i>Local Government Act 1999</i> (SA) or a corresponding law of another State.
Medical Practitioner	Means a person currently registered under the <i>Health Practitioner Regulation National Law (South Australia) Act 2010</i> (SA) or a corresponding law of another State, to practise in the medical profession (other than as a student).
Member of the Defence Force	Has the meaning given to it in the <i>Defence Act 1903</i> (Cth).
National Electronic Conveyancing	An initiative of the Council of Australian Governments (COAG) to provide a single national electronic conveyancing system for use throughout Australia. To be introduced in South Australia when the <i>Electronic Conveyancing National Law (South Australia) Act 2013</i> comes into operation.
Notary Public	Means a Legal Practitioner appointed to the role of Notary Public by the Supreme Court of South Australia or any other court in Australia.

Nurse	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).
Person Being Identified	Means a person listed at Appendix A as a person whose identity must be verified in accordance with these Requirements.
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 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> .
Proclaimed Police Officer	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.
Public Servant	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> .
Registrar's Verification of Identity Standard	Means the Registrar's Verification of Identity Standard set out in clause 7 of these Requirements.
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.
Representative	Means a Conveyancer or Legal Practitioner acting for a Person Being Identified or for a mortgagee.
State	Means Australian Capital Territory, New South Wales, Northern Territory of Australia, Queensland, South Australia, Tasmania, Victoria or Western Australia.
Verifier	Means a Representative or a mortgagee who undertakes a verification of identity in accordance with these Requirements.

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

2. Overview

2.1 Summary

These Requirements require that parties to certain instruments and documents under the *Real Property Act 1886* have their identities verified.

These Requirements require Representatives to take reasonable steps to verify the identity of the Person Being Identified. They also require mortgagees to take reasonable steps to verify the identity of mortgagors.

Clause 7 sets out the Registrar's Verification of Identity Standard which may be used and, if used, will be deemed to constitute reasonable steps.

Other than for mortgages, self-represented parties (or their attorney if they are signing through an attorney) must have their identity verified in accordance with Clause 4.

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?

These Requirements apply when a person listed at Appendix A as a person whose identity must be verified in accordance with these Requirements executes a Conveyancing Instrument listed in Appendix A while these Requirements are in force.

These Requirements apply to paper instruments and documents executed under the *Real Property Act 1886*. However, they are consistent with the verification of identity rules to be introduced for National Electronic Conveyancing in South Australia next year.

4. Verification of Identity by Verifier

4.1 Requirement for Representatives and Mortgagees to Verify Identity

When these Requirements apply, a Representative and a mortgagee must take reasonable steps to verify the identity of:

- a) Each person for whom they are acting or, if any such person is executing through an attorney or other individual, that attorney/individual, at the same time as or before they execute a Conveyancing Instrument; and
- b) Where they are a mortgagee, each mortgagor, at or before the signing of the mortgage; and
- c) Where they act for a mortgagee, each mortgagor (at or before the signing of the mortgage), unless the mortgagee has already verified the identity of each mortgagor in accordance with these Requirements; and
- d) Where they give a duplicate certificate of title to any person who is not a Representative or a mortgagee, that person prior to providing the duplicate certificate of title; and
- e) An Identity Declarant.

4.2 Compliance with Standard Deemed "Reasonable Steps"

Compliance with the Registrar's Verification of Identity Standard will be deemed to constitute "taking reasonable steps to verify the identity" of a person for the purposes of these Requirements.

4.3 Verifying at Execution

Where the Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity) will also be witnessing the execution of the Conveyancing Instrument, the verification of identity is to occur immediately prior to the execution of the Conveyancing Instrument.

4.4 Certification

Each Verifier is to make the certification below on the relevant Conveyancing Instrument prior to it being lodged in the Lands Titles Office:

For a Representative:

"I, [full name of Representative] have taken reasonable steps to verify the identity of the [transferor(s), transferee(s), mortgagor(s) etc, as applicable]."

For a mortgagee:

"[Full name of mortgagee] has taken reasonable steps to verify the identity of the [mortgagor or mortgagors, as applicable]."

The certification must be made by the Representative even though an agent may have been engaged to undertake the verification of identity on their behalf.

The certification on a mortgage must be made by either the Representative of the mortgagee, or the mortgagee.

Where the Representative is a Body Corporate or a partnership the certification must be made by a Conveyancer or Legal Practitioner who has sufficient personal knowledge to make the certification. Where the certification is made by a mortgagee that is a Body Corporate, an employee with personal knowledge may make the certification on its behalf.

The certification must include the full name of the natural person making the certification on behalf of the Representative or mortgagee. The person making the certification is to state the capacity in which they are making the certification under their signature.

4.5 Requirement to Retain Supporting Evidence

Any material supporting verification of identity is to be retained by the Verifier for at least 7 years from the date of execution of the Conveyancing Instrument.

5. Verification of Identity for Self-Represented Parties

5.1 Requirement to Have Identity Verified

When these Requirements apply and the Conveyancing Instrument is not a mortgage, a self-represented party (or their attorney if they are executing through an attorney), is to have their identity verified in accordance with clauses 7.1-7.3 inclusive, and clauses 7.4(c) and 7.5(c) of these Requirements except that:

- a) an Authorised Person, instead of a Verifier, is to undertake the verification of identity; and
- b) an Authorised Person may not use an agent.

Persons authorised to identify self-represented parties are listed at Appendix C.

5.2 Supporting Evidence and Certification

The self-represented party (or their attorney, if they are executing through an attorney) is to receive from the Authorised Person 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 a certificate in a form consistent with Appendix E.

5.3 Verifying at Execution

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

5.4 Supporting Evidence to be Lodged with Conveyancing Instruments

Self-represented parties are to ensure that any Conveyancing Instrument lodged in the Lands Titles Office has attached to it the duly completed certification from the Authorised Person in a form consistent with Appendix E and the endorsed copies of the original identity documents.

6. Further Checks for Identity may be Required

Mere mechanical compliance with these Requirements, without attention to detail, is not sufficient.

The Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity), or the Authorised Person in the case of self-represented parties, must satisfy themselves that the Person Being Identified or the Identity Declarant is the person they purport to be.

The Verifier (or their agent) or the Authorised Person is to undertake further steps to verify the identity of the Person Being Identified or the Identity Declarant where they know or ought reasonably to know that:

- a) any identity document produced by the Person Being Identified or the Identity Declarant is not genuine; or
- b) any photograph on an identity document produced by the Person Being Identified or the Identity Declarant is not a reasonable likeness of the Person Being Identified or the Identity Declarant; or
- c) If it would otherwise be reasonable to do so.

7. Registrar's Verification of Identity Standard

7.1 A Face-to-Face Interview is Required

The verification of identity is to be conducted during a face-to-face in-person interview between the Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity) 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 Verifier (or their agent) 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 Verifier (or their agent) 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.

7.2 Categories of Identification Documents

The Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity) is to ensure that the Person Being Identified produces original and current documents.

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. The Verifier (or their agent) must be reasonably satisfied that a prior Category of documents cannot be provided before using a subsequent Category.

Where the requirements of:

- d) Categories 1 to 3 cannot be met, Category 4(a) may be used; and
- e) Category 4(a) cannot be met, Category 4(b) may be used.

The documents listed in Category 5(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 5(b) are to be used.

7.3 Identifier Declaration

Where the documents listed in Category 4 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 with the Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity).

The Verifier (or their agent) is to verify the identity of the Identity Declarant in accordance with the Registrar's Verification of Identity Standard.

However, the Identity Declarant cannot utilise Category 4 documents to prove their identity.

The Verifier (or their agent) is to undertake reasonable enquiries to satisfy themselves that the Identity Declarant is:

- a) an Adult; and
- b) an individual who has known the Person Being Identified for more than 12 months; and
- c) not a Relative of the Person Being Identified; and
- d) not a party to the Conveyancing Instrument the Person Being Identified has executed or is executing; and
- e) where Category 4(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.

The Identity Declarant is to provide the Verifier (or their agent) with a statutory declaration in which the Identity Declarant declares the following:

- a) the Identity Declarant's name and address; and
- b) the Identity Declarant's occupation; and
- c) the Identity Declarant's date of birth; and
- d) the nature of the Identity Declarant's relationship with the Person Being Identified; and
- e) that the Identity Declarant is not a Relative of the Person Being Identified; and
- f) that the Identity Declarant is not a party to the Conveyancing Instrument; and
- g) the length of time that the Identity Declarant has known the Person Being Identified; and
- h) that to the Identity Declarant's knowledge, information and belief the Person Being Identified is who they purport to be; and
- i) where Category 4(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.

7.4 Execution by a Body Corporate

Where a Conveyancing Instrument is executed by a Body Corporate, the Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity) 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 affixing the seal on behalf of the Body Corporate as if that individual is themselves a person listed at Appendix A.

7.5 Execution by an Individual as Attorney

Where a Conveyancing Instrument is executed by an individual as attorney under a power of attorney, the Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity) is to:

- a) confirm from the registered power of attorney, or the unregistered power of attorney intended to be lodged in series with the Conveyancing Instrument, the details of the attorney and the donor; and
- b) take reasonable steps to establish that the Conveyancing Instrument is authorised by the power of attorney; and
- c) verify the identity of the attorney as if the attorney is themselves a person listed at Appendix A.

7.6 Execution by a Body Corporate as Attorney

Where a Conveyancing Instrument is executed by a Body Corporate as attorney under a power of attorney, the Verifier (or their agent, if the Verifier uses an agent to undertake the verification of identity) is to:

- a) Confirm from the registered power of attorney, or the unregistered power of attorney intended to be lodged in series with the Conveyancing Instrument, the details of the attorney and the donor; and
- b) Take reasonable steps to establish that execution of the Conveyancing Instrument is authorised by the power of attorney; and
- c) Comply with Clause 7.4.

7.7 Previous Verification of Identity

The Verifier, or their agent, need not verify the identity of the Person Being Identified if that Verifier or their agent has a face-to-face in-person interview with the Person Being Identified and has within the previous 24 months verified the identity of the Person Being Identified in accordance with the Registrar's Verification of Identity Standard set out in Clause 7 of these Requirements.

7.8 Use of Agent

A Verifier may engage an agent to undertake the verification of identity on their behalf if:

- a) the Verifier reasonably believes that agent is reputable and competent; and
- b) the agent:
 - i. has both professional indemnity and fidelity insurance each for an amount of at least \$1.5 million per claim; or
 - ii. is a legal practitioner or conveyancer; or
 - iii. is an ADI.

If a Verifier engages an agent to undertake the verification of identity on their behalf, the Verifier is to:

- a) Direct the agent to conduct the verification of identity in accordance with the Registrar's Verification of Identity Standard; and
- b) Receive from the agent copies of all documents inspected by the agent for the purposes of verification of identity, signed, dated and endorsed as a true copy of the original by the agent, and a certification in a form consistent with Appendix D.

7.9 Verification of a Person Executing a Document in a Foreign Country

This clause applies if a Conveyancing Instrument is to be executed in a Foreign Country.

The identity of the party executing the Conveyancing Instrument is to be verified by one of the following officers:

- a) An Australian Consular Officer or an Australian Diplomatic Officer; or
- b) Where the person being identified is a member of the Australian Defence Force, a Competent Officer.

Category 4 documents are not to be used for verification of identity conducted in a Foreign Country.

Appendix A – Parties to be Identified

Conveyancing Instrument	Person Being Identified
Transfer (including a transfer under a power of sale)	The Transferor and the Transferee
Mortgage	The Mortgagor
Transmission Application	The Executor or the Administrator
Application to Register Death	The Survivor
Application for a Substitute Certificate of Title/Crown Lease	The Applicant (unless the Applicant is a Mortgagee)
When a request to retain the old manual title is made by a person not a party to any of the transactions listed above	The Registered Proprietor
Any instrument or document listed above	Any person (other than a Representative or mortgagee) to whom a duplicate certificate of title is given

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 and an Australian visa grant notice evidencing an Australian resident visa <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 and an Australian visa grant notice evidencing an Australian resident visa <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) 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 7.3 <u>plus</u> Medicare or Centrelink or Department of Veterans' Affairs card <u>plus</u> change of name or marriage certificate if necessary.
	For persons who are not Australian citizens or residents:
5	a) Foreign passport <u>plus</u> another form of government issued photographic identity document <u>plus</u> change of name or marriage certificate if necessary.

Category	Minimum Document Requirements
	For persons who are Australian citizens or residents:
	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.

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</p> <p>Attorney-General's Department</p> <p>Level 4, 91-97 Grenfell Street Adelaide 5000 jpservices@agd.sa.gov.au</p> <p>To locate a JP in your area http://jp.agd.sa.gov.au/JPPublicWeb/</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>https://www.police.sa.gov.au/contact-us/find-your-local-police-station</p>
3	Legal Practitioner or Conveyancer	<p>Legal Practitioner- Law Society of South Australia http://www.lawsocietysa.asn.au/index.asp</p> <p>Conveyancer- Australian Institute of Conveyancers http://www.aicsa.com.au/</p> <p>Consumer and Business Services http://www.cbs.sa.gov.au/</p>
4	Notary Public	<p>http://notaries-sa.org.au/</p>

Appendix D

Agent Certification

"I, [full name of agent], of [address of agent] being a [occupation of agent] hereby certify that:

- a) The identification relates to [full name of the Person Being Identified OR (if execution is through an attorney) full name of attorney OR full name of Identifier Declarant]; and
- b) The identification was carried out on [date]; and
- c) The original current identification documents as 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's Verification of Identity Standard[;and]
- e) [I witnessed [full name of the Person Being Identified OR (if execution is through an attorney) full name of attorney] execute the completed [list Conveyancing Instrument(s) eg Transfer/Mortgage etc]].*

Date.....

Agent

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

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

Appendix E

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 OR (if execution is through an attorney) full name of attorney]; 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 OR (if execution is through an attorney) full name of attorney] execute the completed [list Conveyancing Instrument(s) eg Transfer/Mortgage etc]].*

Date.....
Authorised Person
Authorised Person’s contact number

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

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