

VERIFICATION OF IDENTITY

CLIENT INFORMATION SHEET

To minimise the possibility of fraud, parties to various transactions involving land must undergo a process to verify their identity. The process involves a face-to-face in-person interview at which particular documents are produced to verify the identity. Your Conveyancer must give a certificate on the document lodged with the Lands Titles Office in relation to that process.

This Information Sheet sets out important information including who may perform the process, the process itself and the documents that may be used to verify your identity.

Who may perform the verification of identity?

The face-to-face in-person interview may be performed by your Conveyancer or a person appointed by them as Agent to undertake the verification on their behalf.

Some Australia Post offices may act as an Agent if there is an arrangement with your Conveyancer.

The classes of persons who may perform the process is limited and do not include real estate agents.

Your Conveyancer will advise you if it is intended to use an Agent. You should also advise your Conveyancer if you will be away from your home for any significant period before settlement.

Your Conveyancer may only use an Agent who they believe to be competent and reputable.

Verification of identity overseas

A verification of identity undertaken outside Australia and its territories must be performed by –

- an Australian Consular Officer or Australian Diplomatic Officer, or
- for members of the Australian Defence Force, a Competent Officer under the *Defence Force Regulations 1952 (Cwth)*.

Ask your Conveyancer for more details if required.

What is the verification process?

From 28 April 2014, it is a requirement that a person must have their identity verified if they are a party to particular transactions or in particular circumstances related to land. This includes a person who is acting on behalf of an incorporated body or under a power of attorney.

Your Conveyancer will inform you if circumstances require you to have your identity verified.

The verification process involves you attending a face-to-face in-person interview with your Conveyancer or their Agent. At that interview, you must produce particular documents that verify that you are the person you purport to be. There are various Categories of documents that you may produce but you must produce –

- the highest category of documents possible, and
- all documents from that Category.

The various Categories of Documents are set out below.

The person conducting the interview is required to take copies of these documents.

If you are unable to produce your passport or driver's licence or form of photographic proof of age card, you need to be accompanied by some-one (called a Declarant) who can identify you. Details of that additional process are set out below.

An Agent who performs a face-to-face in-person interview must provide a special certificate to your Conveyancer. If it is intended to use an Agent, you should obtain a letter of instructions and draft certificate for the Agent from your Conveyancer. There is also special stationery for use when Australia Post acts as Agent.

The person who performs the face-to-face in-person interview should also witness your signature on the real property document for the transaction. You must discuss the situation with your Conveyancer if that is not possible.

If you are not an Australian citizen or resident, limited categories of Documents may be used. Details are set out below.

Persons unable to produce a passport, driver's licence or form proof of age card

Few people are unable to produce a passport, driver's licence or form of photographic proof of age card.

If you cannot produce one of these documents, the process is more complicated.

You will need to attend the face-to-face in-person interview with some-one who is –

- an adult who has known you for more than 12 months; and
- not a Relative or party to the transaction; and
- where Category 4b Documents (see below) are used – a Bank Manager, Community Leader, Conveyancer, Court Officer, Land Council Officeholder, Local Government Officeholder, Medical Practitioner, Nurse, Public Servant, Legal Practitioner or Police Officer (State or Federal).

The person accompanying you will be required to provide a statutory declaration (referred to as an Identifier Declaration) confirming this information. They must also have their identity verified under the same process but cannot use Category 4 documents.

Documents used to verify identity of Australian citizens and residents

At the face-to-face interview, you must produce documents that verify your identity. The documents are divided into Categories. You must produce the highest Category possible and must produce all documents from the particular Category.

A Passport is a passport issued by the Australian Government or a foreign passport which includes an Australian resident visa label.

Where your name has changed through marriage or a civil process, you must also produce your marriage or change of name certificate.

Category 1: A Passport plus either an Australian driver's licence or Proof of Age Card (photo)

Category 2: A Passport plus

- a full birth certificate, citizenship certificate or descent certificate, and
- a Medicare, Centrelink or Department of Veterans' Affairs card.

Category 3: An Australian driver's licence or form of photographic Proof of Age Card plus

- a full birth certificate, citizenship certificate or descent certificate, and
- a Medicare, Centrelink or Department of Veterans' Affairs card.

Category 4a: An Identifier Declaration plus

- a full birth certificate, citizenship certificate or descent certificate, and
- a Medicare, Centrelink or Department of Veterans' Affairs card.

Category 4b: Where none of the above may be satisfied, an Identifier Declaration from some-one from one of the specified classes of person above) plus

- a Medicare, Centrelink or Department of Veterans' Affairs card.

However, **non-Australian citizens and residents** may only use Category 5a or 5b Documents:

Category 5a: A Passport plus another form of government issued photographic identity document.

Category 5b: A Passport plus full birth certificate and another form of government issued identity document.

Any questions?

Your Conveyancer is able to answer questions about the verification of identity process. Promptly ask any questions to avoid delays, particularly if you cannot satisfy any requirements.

Collection of a certificate of title to land

Verification of identity is also required for any person who attends to collect a certificate of title. If you are collecting a certificate of title, you should arrange to meet your Conveyancer or take identification documents with you. Some-one collecting a certificate of title on your behalf must have written authority from you to do so and undergo the verification of identity process.

Certificates of title may also be sent to you by registered post. Please ensure that your Conveyancer has an address for that purpose.