

WOLLERMAN SHACKLOCK LAWYERS

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WHAT IS VERIFICATION OF IDENTITY?

Verification of identity is a process carried out to ensure that a Person is who they claim to be. The Participation Rules for electronic conveyancing require a Subscriber to take reasonable steps to verify the identity of:

- Clients;
- Mortgagors;
- Persons to whom certificates of title are provided;
- Signers; and
- Subscriber Administrators

WHY IS VERIFICATION OF IDENTITY REQUIRED?

The purpose of carrying out verification of identity is to reduce the risk of identity fraud and the registration of fraudulent land transactions. Verification of identity of Clients and mortgagors is considered to be part of the due diligence required of conveyancing professionals. With the introduction of electronic conveyancing, a Subscriber who is representing a Client will sign instruments or other Documents on the Client's behalf. In a similar way, mortgagees can sign a mortgage certifying that they hold a valid mortgage from the mortgagor.

In order for other participants in a Conveyancing Transaction to have confidence in the instruments or Documents, it is vital that the Client's or mortgagor's identity is verified.

WHEN IS VERIFICATION OF IDENTITY REQUIRED?

The various circumstances when verification of identity is required to be undertaken are outlined below.

Clients and Client Agents

A Subscriber must identify each Client for which it has a Client Authorisation, or when a Client Authorisation is optional other authority to sign, or their Client Agent. Where the Client or Client Agent:

- is an Individual, the identity of that individual must be verified; or
- is a company, the existence of the company must be confirmed and the identity of the Person or Persons signing for the company or witnessing the company seal must be verified; or
- has appointed an Individual as an Attorney to sign for the Client, the identity of the Attorney must be verified; or
- has appointed a company as an Attorney to sign for the Client, the existence of the company must be confirmed and the identity of the Person or Persons signing for the company or witnessing the company seal must be verified.

Reference: https://www.arnecc.gov.au/_data/assets/pdf_file/0011/698798/MPR-Guidance-Note2-Verification-of-Identity-Updated.pdf