

NOTICE TO SUBSCRIBERS

Number	2020-NS2
Subject	Overseas Verification of Identity and Witnessing Process
Purpose	To advise updates to the process for overseas verification of identify when undertaken at an Australian Embassy, High Commission or Consulate (Australian Consular Office)
<p>Model Participation Rules Guidance Note #2 – Verification of Identity includes an appendix outlining a process utilising the Australian Consular Office service that Subscribers and mortgagees may use to verify the identity of a client or mortgagor who is overseas. This process may be used in conjunction with any necessary further steps for the Subscriber or mortgagee to be reasonably confident in the person’s identity.</p> <p>The Department of Foreign Affairs and Trade (DFAT) has now amended its processes and the certification provided by Australian Consular Offices (see attached marked up certification). Of note to Subscribers and mortgagees, the amended certification has had:</p> <ul style="list-style-type: none"> ▪ The word ‘original’ removed from paragraph (c). The person being identified must still take original documents to the Australian Consular Office. DFAT Officers will continue to carefully inspect all documentation presented to confirm the document is genuine and there has been no attempt to fraudulently alter it. ▪ The wording ‘and in response to the written instructions provided by the person being identified’s Australian Legal Practitioner, Law Practice, Licensed Conveyancer or mortgagee’ removed from paragraph (d). This wording was originally included to accommodate a paper process and is no longer necessary. <p>Subscribers are reminded that verification of identity is one of the most fundamental aspects of an electronic conveyancing transaction as it is essential to establishing who the transacting parties are and their right to deal with the land. The sighting of original documents is a key aspect of verification of identity as copies of identification documents can be altered to create a false identity. The sighting of original identification documents as part of the verification of identity process aids in reducing the risk of fraudulent land transactions.</p> <p>Model Participation Rules Guidance Note #2 – Verification of Identity will be updated.</p>	
Date of Issue	October 2020
Enquiries	The Land Registry in your State or Territory

Australian Embassy/High Commission/Consulate Identity/ and Witnessing Certification

"I, _____ [full name of consular/diplomatic officer or authorised consular employee/consular or diplomatic officer]

of _____ [Australian Embassy/High Commission/Consulate]

being an consular officer, diplomatic officer or an authorised consular employee/consular or diplomatic officer within the meaning of ~~the~~ Section 3 of the Consular Fees Act 1955 (Cth) hereby certify that:

(a) the identification/witnessing relates to

_____ [full name of the person being identified] ('the person being identified'); and

(b) the verification of identity/witnessing was carried out on _____ [date]; and

(c) the ~~original~~ current identification documents as listed below were produced to me and copies of these documents signed, dated and endorsed by me as true copies were provided to the person being identified; and

(d) the verification of identity/witnessing was conducted in accordance with the Department of Foreign Affairs and Trade policy for verification of identity, witnessing signatures on documents and making of endorsed copies ~~and in response to the written instructions provided by the person being identified's Australian Legal Practitioner, Law Practice, Licensed Conveyancer or mortgagee~~; and

(e) the person being identified was physically present for the verification of identity and the witnessing of the document(s) listed at paragraph (g); and

(f) I am not a party to the transaction; and

(g) I witnessed the person being identified execute the following document(s)

_____ (e.g., Client Authorisation, transfer of land, mortgage of land ~~etc~~); and

(h) this signed, dated and endorsed certification; the signed, dated and endorsed copy identity documents (listed below); and the witnessed document(s) listed in paragraph (g); were returned to the person being identified."

.....
Signature of consular officer, diplomatic officer or authorised consular employee/consular or diplomatic officer _____

| Post Stamp

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

Description of identity documents produced and endorsed