



Government of South Australia

Department of Planning,
Transport and Infrastructure

Verification of Identity

Registrar-General's Verification of Identity Requirements

Lands Titles Office

1 February 2016

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 will be in force from 1 February 2016. Any previous version of these Requirements will be superseded from that date.

B.P.A

Brenton Pike
Registrar-General
Lands Titles Office



Registrar-General's Verification of Identity Requirements

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1. Definitions

| Term | Definition |
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| ADI | Means an "authorised deposit-taking institution" under the <i>Banking Act 1959</i> (Cth). |
| Adult | Means an individual who is 18 or more. |
| Approved Insurer | Means an insurer approved by Australian Prudential Regulation Authority to offer general insurance in Australia. |
| 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). |
| 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 |

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| | 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. |
| Credit Representative | Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth). |
| Credit Service | Has the meaning given to it in the <i>National Consumer Credit Protection Act 2009</i> (Cth) and extends to a service with respect to credit secured or to be secured by real property whether or not it is regulated by that Act. |
| 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 6.3 of these Requirements. |
| Identity Agent | Means a person who is an agent of either a Representative, or a mortgagee, and who: <ul style="list-style-type: none"> (a) the Representative or mortgagee reasonably believes is reputable, competent and insured in compliance with Appendix D; and (b) is authorised by the Representative or mortgagee to conduct verification of identity on behalf of the Representative or mortgagee in accordance with the Verification of Identity Standard. |
| Identity Agent Certification | Means the certification set out in Appendix E of these requirements, as amended from time to time. |
| Identity Declarant | Means a person providing an Identifier Declaration. |
| Identity Verifier | Means the Person conducting a verification of identity in accordance with the Verification of Identity Standard. |
| 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</i> |

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| | <i>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). |
| Mortgage Broker | Means an individual who is: <ul style="list-style-type: none"> (a) the holder of an Australian Credit Licence; or (b) an employee or director of the holder of an Australian Credit Licence or of a related body corporate of a holder of an Australian Credit Licence engaging in the Credit Service on behalf of that licensee; or (c) a Credit Representative of the holder of an Australian Credit Licence; who provides a Credit Service which relates to credit secured or to be secured by real property owned or to be owned by the person to whom the Credit Service is provided. |
| 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</i> (SA) 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</i> (SA), or the police force of another State under corresponding legislation, or the Australian Federal Police under the <i>Australian Federal Police Act 1979</i> (Cth). |
| Proclaimed Police Officer | Means a Police Officer appointed to take declarations and attest the execution of instruments under the <i>Oaths Act 1936</i> (SA) 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</i> (SA) or a corresponding law of another State or the Australian Public Service under the <i>Public Service Act 1999</i> (Cth). |
| 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. |

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| 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. |
| Verification of Identity Standard | Means the Verification of Identity Standard set out in clause 6 of 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 6 sets out the 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 5.

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.

4 Verification of Identity by Representatives and Mortgagees

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) **Clients:** each person for whom they are acting or, if any such person is executing through an attorney or other individual, that attorney/individual; and
- b) **Mortgagors:** each mortgagor or each of their agents. However, where a Representative acts for a mortgagee, the Representative need not take reasonable steps to verify the identity of each mortgagor or their agent if the Representative is

reasonably satisfied that the mortgagee has taken reasonable steps to verify the identity of each mortgagor or their agent; and

c) **Persons to whom certificates of title are provided:**

- (i) any client or their agent, prior to the Representative giving a duplicate certificate of title to that client or their agent; and
- (ii) any existing mortgagor, former mortgagor or their agent, prior to the Representative or mortgagee giving a duplicate certificate of title to that existing mortgagor, former mortgagor or their agent.

4.2 Method of Compliance

For the purposes of complying with clause 4.1 the Representative or mortgagee, can either:

- (a) apply the Verification of Identity Standard; or
- (b) verify the identity of a person in some other way that constitutes the taking of reasonable steps.

4.3 Further Checks for Identity may be Required

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

The Representative or mortgagee, or the Authorised Person in the case of self-represented parties, must satisfy themselves that the Person Being Identified and/or the Identity Declarant is the person they purport to be.

The Representative, mortgagee or the Authorised Person is to undertake further steps to verify the identity of the Person Being Identified or the Identity Declarant where:

- a) they know or ought reasonably to know that:
 - (i) any identity document produced by the Person Being Identified and/or any Identity Declarant is not genuine; or
 - (ii) any photograph on an identity document produced by the Person Being Identified and/or any Identity Declarant is not a reasonable likeness of the Person Being Identified or the Identity Declarant; or
 - (iii) the Person Being Identified and/or any Identity Declarant does not appear to be the person to which the identity document(s) relate; or
- b) it would otherwise be reasonable to do so.

4.4 Previous Verification of Identity

The Representative or mortgagee need not re-verify the identity of the Person Being Identified if:

- (a) The Representative or mortgagee complied with clause 4.1 within the previous 2 years; and
- (b) The Representative or mortgagee takes reasonable steps to ensure that it is dealing with the Person Being Identified.

4.5 Use of Verification of Identity Standard

If the Verification of Identity Standard in clause 6 is used:

- (a) the Representative or mortgagee may use an Identity Agent; and
- (b) where an Identity Agent is used, the Representative or mortgagee must direct the Identity Agent to use the Verification of Identity Standard; and
- (c) the Identity Verifier must be:

- (i) the Representative and/or the Representative's Identity Agent; or
 - (ii) the mortgagee and/or the mortgagee's Identity Agent; and
- (d) the Representative or the mortgagee must receive from any Identity Agent:
- (i) copies of the documents produced to verify the identity of the Person Being Identified and/or any Identity Declarant signed, dated and endorsed as a true copy of the original by the Identity Agent; and
 - (ii) an Identity Agent Certification.

4.6 Compliance with Verification of Identity Standard Deemed "Reasonable Steps"

Subject to clause 4.3 compliance with the Verification of Identity Standard by:

- (a) the Representative and/or its Identity Agent; or
- (b) the mortgagee and/or its Identity Agent,

will be deemed to constitute "taking reasonable steps to verify the identity" of a person for the purposes of these Requirements.

4.7 Verifying at Execution

Where the Representative, mortgagee or Identity Agent, 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.

4.8 Certification

Each Representative or mortgagee 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) etc, as applicable]."

For a Representative of a mortgagee:

"[Full name of Representative], or [Full name of Representative] is reasonably satisfied that the mortgagee it represents, has taken reasonable steps to verify the identity of the [mortgagor or mortgagors, 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.

4.9 Requirement to Retain Supporting Evidence

Any material supporting verification of identity is to be retained by the Representative or mortgagee for at least 7 years from the lodgement of the Conveyancing Instrument that is registered or recorded.

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 6.1-6.3 inclusive, and clauses 6.4(c) and 6.5(c) of these Requirements except that an Authorised Person, instead of an Identity Verifier, is to undertake the verification of identity.

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 G.

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 F and the endorsed copies of the original identity documents.

6 Verification of Identity Standard

6.1 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 Identity Verifier 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 Identity Verifier 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 Identity Verifier 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.

6.2 Categories of Identification Documents

The Identity Verifier is to ensure that the Person Being Identified produces original and current documents (except for an expired Australian Passport which has not been cancelled and was current within the preceding 2 years).

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. If these are not available identity is to be verified using Category 4 documents. The Identity Verifier must be reasonably satisfied that a prior Category of documents cannot be provided before using a subsequent Category.

Where the requirements of:

- (a) Categories 1 to 4 cannot be met, Category 5(a) may be used; and
- (b) Category 5(a) cannot be met, Category 5(b) may be used.

The documents listed in Category 6(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 6(b) are to be used.

6.3 Identifier Declaration

Where the documents listed in Category 5 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 as described in clause 6.1 with the Identity Verifier.

The Identity Verifier is to verify the identity of the Identity Declarant in accordance with the Verification of Identity Standard.

However, the Identity Declarant cannot utilise Category 5 documents to prove their identity.

6.3.1 The Identity Verifier 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 5(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.

6.3.2 The Identity Declarant is to provide the Identity Verifier 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 5(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.

6.4 Body Corporate

The Identity Verifier 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 witnessing the affixing of the seal on behalf of the Body Corporate in accordance with the Verification of Identity Standard as if that individual is themselves a person listed at Appendix A.

6.5 Individual as Attorney

The Identity Verifier 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 in accordance with the Verification of Identity Standard as if the attorney is themselves a person listed at Appendix A.

6.6 Body Corporate as Attorney

The Identity Verifier 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 6.4.

6.7 Further Checks

The Identity Verifier is to undertake further steps to verify the identity of the Person Being Identified and/or the Identity Declarant where:

- (a) The Identity Verifier knows or ought reasonably to know that:
 - (i) any identity document produced by the Person Being Identified and/or any Identity Declarant is not genuine; or
 - (ii) any photograph on an identity document produced by the Person Being Identified and/or any Identity Declarant is not a reasonable likeness of the Person Being Identified or the Identity Declarant; or

- (iii) the Person Being Identified and/or the Identity Declarant does not appear to be the person to which the identity document(s) relate; or
- (b) it would otherwise be reasonable to do so.

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 <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 <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) Australian passport or foreign passport <u>plus</u> another form of government issued photographic identity document <u>plus</u> change of name or marriage certificate if necessary. (b) Australian passport or foreign passport <u>plus</u> full birth certificate <u>plus</u> another form of government issued identity document <u>plus</u> a change of name or marriage certificate if necessary. |
| 5 | (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 6.3.1(e) <u>plus</u> Medicare or Centrelink or Department of Veterans' Affairs card <u>plus</u> change of name or marriage certificate if necessary. <i>Note: Refer to Verification of Identity Standard clause 6.3</i> |
| | For persons who are not Australian citizens or residents: |
| 6 | (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. (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 |
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| 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-</p> <p>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

1. Identity Agent Insurance Requirements

- 1.1. Each Identity Agent must maintain professional indemnity insurance:
 - (a) with an Approved Insurer; and
 - (b) for an insured amount of at least \$1.5 million per claim (including legal costs); and
 - (c) having an excess per claim of no greater than \$20,000; and
 - (d) having an annual aggregate amount of not less than \$20,000,000; and
 - (e) which includes coverage for verification of identity for the purposes of these Verification of Identity Requirements; and
 - (f) the terms of which do not limit compliance with 1.1 (a) to (e).
- 1.2. Each Identity Agent must maintain fidelity insurance:
 - (a) with an Approved Insurer; and
 - (b) for an insured amount of at least \$1.5 million per claim (including legal costs); and
 - (c) having an excess per claim of no greater than \$20,000; and
 - (d) having an annual aggregate amount of not less than \$20,000,000; and
 - (e) which provides coverage for third party claims arising from dishonest and fraudulent acts; and
 - (f) which includes coverage for verification of identity for the purposes of these Verification of Identity Requirements; and
 - (g) the terms of which do not limit compliance with 1.2 (a) to (f).
- 1.3 If the Identity Agent does not comply with insurance requirements 1.1 and 1.2, the Identity Agent must maintain professional indemnity insurance:
 - (a) with an Approved Insurer; and
 - (b) for an insured amount of at least \$1.5 million per claim (including legal costs); and
 - (c) having an excess per claim of no greater than \$20,000; and
 - (d) having an annual aggregate amount of not less than \$20,000,000; and
 - (e) which provides coverage for third party claims arising from dishonest and fraudulent acts; and
 - (f) which includes coverage for verification of identity for the purposes of these Verification of Identity Requirements; and
 - (g) the terms of which do not limit compliance with 1.3 (a) to (f).
- 1.4 An Identity Agent may maintain fidelity insurance held through a mutual fund by paying a levy or contribution rather than an annual insurance premium. The insurance must otherwise comply with insurance requirement 1.2.

2. Self-insuring Identity Agents

- 2.1 Despite insurance requirement 1 the following persons need not take out insurance to become or remain an Identity Agent:
 - (a) an ADI; or

- (b) the Crown in right of the Commonwealth, a State or a Territory.

3. Deemed compliance with insurance requirements

3.1 The following are deemed to comply with insurance requirement 1:

- (a) a Legal Practitioner who holds or is covered by professional indemnity insurance and either holds fidelity insurance or contributes to, or on whose behalf a contribution is made to, a fidelity fund operated pursuant to legislative requirements.
- (b) A conveyancer who holds or is covered by professional indemnity insurance and either holds fidelity insurance or contributes to, or on whose behalf a contribution is made to, a fidelity fund operated pursuant to legislative requirements.

3.2 A Mortgage Broker, when acting as agent of a mortgagee for the purposes of verifying the identity of a mortgagor, is deemed to comply with insurance requirement 1 if:

- (a) Pursuant to legislative requirements, either it holds or is covered by:
 - (i) professional indemnity insurance and fidelity insurance, or
 - (ii) professional indemnity insurance which provides cover for third party claims arising from dishonest and fraudulent acts, and
- (b) that insurance covers the verification of identity.

4. Compliance

The Identity Agent must comply with any requirements set by its insurer.

Appendix F

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 endorsed | Page number in set of copies |
|---------------------------------------------------------|------------------------------|
| [Eg Australian Passport] | 1 |
| | |
| | |
| | |