

## REGISTRATIONS

# CUSTOMER INFORMATION BULLETIN

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### Improved identity security in property transactions

#### **Changes to Witnessing Requirements**

Effective immediately, the Registrar of Titles will only be satisfied with witnesses who are Australian consular officers where documents are executed outside of Australia.

An Australian consular officer is defined by section 145(4) of the *Transfer of Land Act 1893* as a person appointed to hold or act in any of the following offices (being an office of the Commonwealth) in a country or place outside the Commonwealth, such as:

- ambassador
- minister
- high commissioner
- head of mission
- commissioner
- chargé d'affaires
- consul or secretary at an embassy
- high commissioner's office
- legation or other post
- consular-general
- consul
- vice-consul,
- trade commissioner, and
- consular agent

Recognising the short lead time for the introduction of this requirement, the Registrar of Titles may be satisfied with an alternate witness. If an alternate witness is required to be used in the next month, then prior approval must be sought from the Registrar of Titles or the document will be stopped and a requisition issued.

#### ***New requirements for evidence of verification of client identity and authority to deal***

Effective immediately, the Registrar of Titles will require all transfers that have been executed by the parties to the transaction outside of Australia to contain evidence that those parties have been identified to the 100 point standard as detailed below:

<b>Primary Documents.</b> <ul style="list-style-type: none"><li>• Birth Certificate or Extract</li><li>• Citizenship Certificate</li><li>• International Travel Document<ul style="list-style-type: none"><li>○ a current passport</li><li>○ expired passport which has not been cancelled and was current within the preceding 2 years</li><li>○ other document of identity having the same characteristics as a passport (e.g. this may include some diplomatic documents and some documents issued to refugees)</li></ul></li></ul> <p><i>Note: Do not score additional points for more than one document in this category.</i></p>	70 Points
<b>Name of person verified from one of the following (but only where they contain a photograph or signature that can be</b>	40 Points for first

<p><b>matched).</b></p> <ul style="list-style-type: none"> <li>• A licence or permit issued under law of the Commonwealth, a State or Territory (e.g. an Australian driver's licence)</li> <li>• An identification card issued to a public employee</li> <li>• An identification card issued by the Commonwealth, State or Territory as evidence of the person's entitlement to financial benefit</li> <li>• An identification card issued to a student at a tertiary education institution</li> </ul> <p><i>Note: Additional documents can be awarded 25 points</i></p>	<p>document from this category.</p> <p>25 Points for additional document/s from this category.</p>
<p><b>Name and address of person verified from any of the following:</b></p> <ul style="list-style-type: none"> <li>• A current employer, or a previous employer within the last 2 years</li> <li>• A rating authority (e.g. land rates)</li> <li>• The Credit Reference Association of Australia (subject to the Privacy Act 1988)</li> <li>• Land Titles Office Records</li> </ul>	<p>35 Points</p>
<p><b>Name, address and telephone number verified:</b></p> <ul style="list-style-type: none"> <li>• By reference to the latest telephone directory published by Telstra or by advice provided by Telstra; and</li> </ul> <p>By telephone contact with the signatory on that telephone number.</p>	<p>25 Points</p>
<p><b>Name of person verified from any other secondary identification document.</b></p> <ul style="list-style-type: none"> <li>• E.g. marriage certificate (for maiden name only), credit card, council rates, telephone account, foreign driver's licence, Medicare card etc.</li> </ul> <p><i>Note: More than one document may be counted, but points scored from a particular source may be counted only once. E.g. If MasterCard and Visa Card issued from the same financial institution, only one may be counted.</i></p>	<p>25 Points</p>
<p><b>Name and address of the person verified from any of the following:</b></p> <ul style="list-style-type: none"> <li>• The records of a public utility</li> <li>• A record held under a law other than a law relating to land titles (for which see No.3)</li> </ul>	<p>25 Points</p>
<p><b>Name and date of birth of person verified from any of the following:</b></p> <ul style="list-style-type: none"> <li>• The records of a primary, secondary or tertiary education institution attended by the signatory within the last 10 years</li> <li>• The records of a professional or trade association of which the signatory is a member.</li> </ul>	<p>25 Points</p>

Evidence of the identity check is to consist of a statutory declaration from the conveyancer acting for the parties describing the circumstances of the identity check and copies of the identity documentation used to establish identity.

If a statutory declaration is not provided, the documents will be stopped and requisitioned. Registration will not occur until evidence to the satisfaction of the Registrar of Titles has been provided.

When checking identity documentation be mindful that forged documents have been used in past fraud attempts. It is recommended that copies of the identification evidence be kept and stored in a secure place.

Any instances of suspected fraud in relation to property transactions should be reported directly to the Registrar of Titles office on 9273 7054.

## **Landgate's review of registered transfers executed outside of Australia**

This review is being taken in accordance with the commitment given in public by the A/General Manager Operations and Registrar of Titles, Bruce Roberts, that Landgate would review all "400 international property title transactions over the last nine months".

The primary purposes of the review is to identify all the transfers that have not passed through the increased scrutiny procedures introduced in September 2010 and to determine any potential high risk transactions that were not identified at the time of registration.

Landgate will be checking all the transfers registered since September 2010 that have been executed outside of Australia. Conveyancers can expect to be contacted by Landgate to request the details of the identity verification actions taken for such transfers. Your assistance in providing the requested information is appreciated.

Registration has already occurred for these transactions. The key purpose of the review is to identify any high risk transactions that have the potential for fraud to exist.

For further information contact Landgate's Advice Line on (08) 9273 7044.



**Jean Villani**  
**Delegated Registrar of Titles**  
**A/Manager Registrations**  
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