

# Verification of Identity



# Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity<sup>1</sup>

Reports of fraud cases linked to identity theft are becoming more widespread. The prevalence of identity theft has led the Registrar of Titles and the Commissioner of Titles to recommend a new standard to verify the identity of persons transacting in land. Verifying the identity of the person claiming to be the owner of a property, who has the authority to sell that property, is a crucial step in the land transaction process.

The Verification of Identity Practice aims to minimise the risk of land related fraud including identity theft and other improper dealings. It introduces a new, more robust standard for confirming identity that is specific for land transactions.

This will assist in ensuring that only authorised people are able to sell properties throughout Western Australia.

Those persons considering selling land are encouraged to consult with their settlement agent, lawyer or mortgagee about the Verification of Identity Practice.

## How is this Practice different?

The most effective way to minimise the risk of land related fraud is for verification of identity to occur when a person decides to sell their property and before financial settlement. That is before documents are lodged at Landgate.

This Verification of Identity Practice is a higher standard of verification of identity than has been used in the past. The Practice recommends that conveyancers and other property professionals take reasonable steps to verify the identity of their clients and confirm their clients' authority to give instructions when dealing with a particular property.

**In verifying the identity of a client, the Practice has two fundamental requirements:**

- Firstly, a person transacting on a property should be able to produce current, original identity documents,<sup>2</sup> preferably with photographs.
- Secondly, a visual verification or 'face to face' is required, which is the Practice of checking that the photograph on the identity document is the person being identified.

Under the Practice, if a person is outside of Australia, the verification of identity and the witnessing of land documents should be conducted by an Australian Consular Officer.

## Who implements the Practice?

The Verification of Identity Practice encourages a more vigilant approach by the property industry to implement a higher standard to reduce the risk of land related fraud as a part of the conveyancing process.

- A **licensed settlement agent** or **lawyer** is responsible for verifying the identity of their client.
- The **mortgagee/lender** is responsible for verifying the identity of the mortgagor/borrower.
- A **self-represented party**<sup>3</sup> is responsible for ensuring his/her own identity has been independently verified by an identifier on the Landgate panel.

The Practice applies to a range of land document types and to specified parties. The Practice complements the established guidelines for other property professionals implemented by the Department of Commerce.

## Other Landgate measures to minimise the risk of land related fraud

Landgate has introduced other measures to reduce the risk of land related fraud and strengthen the State's Torrens land titles system:

- Property owners are now able to lodge a new **Caveat (Improper Dealings)** over their property. This Caveat may prevent an unlawful change of ownership and may be particularly useful for owners who are overseas for any period of time and concerned about the possibility of identity theft.
- Landgate's **TitleWatch** is an online service which can provide a subscriber with automatic email notifications about the current status of a nominated Certificate of Title.

### Land documents requiring Verification of Identity include:

- Transfer of Land
- Mortgage
- Requests for Duplicate Certificates of Title (including replacements)
- Transmission
- Survivorship
- Power of Attorney

<sup>1</sup> The Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity is referred to here as the 'Verification of Identity Practice'. <sup>2</sup> The categories of identity documents required are located in the Land Titles Registration Practice Manual which is available on the Landgate website. <sup>3</sup> A 'self represented party' is a person who does not have a qualified legal practitioner or a licensed settlement agent to represent them in the sale or purchase of a house or land.

### Contact Us

Tel. (08) 9273 7341

Customerservice@landgate.wa.gov.au

W

landgate.wa.gov.au