

Appendix

Australian Embassy/High Commission/Consulate Overseas Verification of Identity and Witnessing Process

- 1 A client or mortgagor located overseas contacts a Subscriber or mortgagee concerning a conveyancing transaction relating to Australian land.
- 2 The Subscriber or mortgagee takes initial instructions from the client or mortgagor and conducts preliminary enquiries – full name and contact details for the client or mortgagor, land description, transaction details (sale, purchase, mortgage etc).
- 3 The Subscriber or mortgagee reviews with the client or mortgagor what identification documents they have available to them and determines the highest document category in the Verification of Identity Standard they can satisfy.
- 4 The Subscriber or mortgagee advises the client or mortgagor that they will need to have their identity verified and signature witnessed by an employee at an Australian Embassy, High Commission or Consulate (Australian Consular Office). The Subscriber or mortgagee advises the client or mortgagor to find out where the nearest Australian Consular Office is located, to make preliminary contact with the Australian Consular Office to make an appointment (where necessary) and to notify the Subscriber or mortgagee of the Australian Consular Office location.
- 5 The Subscriber or mortgagee takes reasonable steps to determine the client or mortgagor's right to deal as a particular party to the conveyancing transaction.
- 6 The Subscriber or mortgagee prepares a Client Authorisation or mortgage and the approved Australian Embassy/High Commission/Consulate Identity/Witnessing Certification (Certification) and sends them to the client or mortgagor with written instructions advising of the process and what original and current identification documents are to be produced at the nominated Australian Consular Office (passport, driver's license etc). The format of the Certification is at the end of this Appendix and the Certification Form is available from the ARNECC website.
- 7 The client or mortgagor attends the nominated Australian Consular Office with the prepared Client Authorisation or mortgage and Certification, original identification documents and the Subscriber or mortgagee's written instructions.
- 8 The Australian Consular Office satisfies itself that the photos on the identification documents produced by the client or mortgagor are a reasonable likeness of the client or mortgagor. If this is not possible, the Australian Consular Office service is terminated.
- 9 When reasonable likeness is confirmed, the Australian Consular Office:
 - prepares endorsed copies of all original identification documents produced by the client or mortgagor;
 - asks the client or mortgagor to sign the Client Authorisation or mortgage and the Australian Consular Office witnesses the client or mortgagor's signature on the Client Authorisation or mortgage; and
 - completes, signs, dates and endorses the Certification for the client or mortgagor.
- 10 The Australian Consular Office hands to the client or mortgagor the:
 - original identification documents;
 - signed Client Authorisation or mortgage,

- signed, dated and endorsed copies of the original identification documents produced; and
 - signed, dated and endorsed Certification.
- 11 The client or mortgagor delivers the signed Client Authorisation or mortgage, endorsed copies of the original identification documents produced and the Certification to the Subscriber or mortgagee. (The means of delivery are to be arranged between the client or mortgagor and the Subscriber or mortgagee.)
- 12 If the Subscriber or mortgagee has any reason to doubt the authenticity of any of the documents received from the client or mortgagor, copies of the Australian Consular Office endorsements and Certification can be referred to the Department of Foreign Affairs and Trade (DFAT) by email for confirmation that the signatures and stamps appearing on the documents are that of a DFAT officer. For example, if the documents don't bear a stamp of the Australian Consular Office, the name of the Australian Consular Office officer is not clear or there are other circumstances surrounding the transaction that cause doubt, such as signatures of clients not matching.

The following process applies for these referrals:

- The Subscriber or mortgagee emails the Australian Consular Office officer who made the endorsements and certification using the standard email format <firstname>.<lastname>@dfat.gov.au (or in the same format with @austrade.gov.au for those consulates run by Austrade) supplying details of the service provided to the client or mortgagor and requesting confirmation that the Australian Consular Office provided the service. The request is to include copies of the endorsed document copies and the Certification supplied by the client or mortgagor. The reason for the referral is to be included in the request to allow DFAT to determine whether any aspect of the Australian Consular Office's service gave rise to the referral.
- The Australian Consular Office will, if work demands allow, reply to the request providing confirmation of the service provided. Alternatively, the Subscriber or mortgagee will receive an automatic read receipt email confirming that the Australian Consular Office officer exists as an employee of DFAT.
- If the Subscriber or mortgagee receives no response or cannot for any reason determine the name of the Australian Consular Office officer who made the endorsements or certification (for example, when the Australian Consular Office stamp obscures part of the Australian Consular Office officer's name), the Subscriber or mortgagee should email DFAT's Consular Policy Unit at consular.policy@dfat.gov.au requesting confirmation of the service provided by an Australian Consular Office and, when no response has been received from a request made directly to the Australian Consular Office, attaching a copy of that request.

In responding to confirmation requests DFAT is confirming that the Australian Consular Office officer's signature and the Australian Consular Office stamp on a document are from an authorised officer.

- 13 The process for paper transactions is the same by substituting paper instrument for Client Authorisation and by substituting Australian Legal Practitioner, Law Practice or Licensed Conveyancer for Subscriber.

Australian Embassy/High Commission/Consulate Identity/Witnessing Certification

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

of _____ [Australian Embassy/High Commission/Consulate]

being an authorised employee/consular or diplomatic officer within the meaning of the *Section 3 of the Consular Fees Act 1955* 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)

_____ (eg, 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 authorised employee/consular or diplomatic officer

| Post Stamp

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

Description of identity documents produced and endorsed