

CLIENT AUTHORISATION AND VERIFICATION OF IDENTITY AS A RESULT OF COVID-19

The health and wellbeing of Subscribers, their clients or customers and the broader community is critical.

ARNECC is aware of concerns regarding the face-to-face identity verification regime and signing of Client Authorisations as a result of the evolving situation concerning the COVID-19 outbreak.

[Model Participation Rule Guidance Note #1 – Client Authorisation](#) published on the ARNECC website provides guidance around the Client Authorisation. Of specific relevance under the current circumstances is Section 5 of the Guidance Note which outlines how a Client Authorisation is completed, and the following FAQ #13:

Q13: Can a Client Authorisation be Digitally Signed?

A13: There is no requirement in the Electronic Conveyancing National Law or Participation Rules that the Client Authorisation form needs to be wet-signed. Therefore, it is up to the Subscriber to determine whether the act of the Client or Client Agent digitally signing the Client Authorisation form complies with the Electronic Transactions Act relevant to the Jurisdiction in question.

Model Participation Rule (MPR) 6.5.2, states that the Subscriber, or a mortgagee represented by the Subscriber, 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.

While the Verification of Identity Standard requires a face-to-face in person interview, compliance with the Standard is not mandatory under MPR 6.5.2. A Subscriber can verify the identity of their client or customer in a way that constitutes reasonable steps. It is a matter for the Subscriber to determine what constitutes reasonable steps specific to the circumstances. For example, in the current COVID-19 environment Subscribers might like to consider using video technology as part of the verification of identity process. As usual, evidence supporting the reasonable steps taken to verify the client's identity must be retained by the Subscriber under MPR 6.6(d). [Model Participation Rule Guidance Note #2 – Verification of Identify](#) provides further guidance for Subscribers.