



## **Self Assessment Questionnaire**

1	MANAGEMENT CONTROLS When completing this section, consider the controls your firm has in place	Yes	No	N/A
1.1	<ul> <li>Checklists</li> <li>We use e-dealing checklists (or an equivalent online workflow recording system) as a means of evidencing the e-dealing checks we undertake.</li> <li>Our checklists separate the duties performed by the Primary Contact (PC) from the Conveyancing Professional (CP).</li> </ul>			
1.2	<ul> <li>Internal audit</li> <li>We have a post-registration peer review/internal audit process to check that conveyancing transactions we have registered via Landonline meet all the legal requirements.</li> <li>The internal audit results feed into continuous improvement initiatives for the firm.</li> </ul>			
1.3	<ul> <li>Landonline digital certificate security protocols</li> <li>We understand our obligations and comply with the Landonline Terms and Conditions and Digital Certificate (DC) User Obligations (www.linz.govt.nz/land/landonline/get-started/landonline-terms-and-conditions and www.linz.govt.nz/kb/271), including:         <ul> <li>The importance of maintaining the security and integrity of digital certificates.</li> <li>Only the individual user knows and enters the passphrase during the DC download process.</li> <li>Passwords and passphrases are unique and confidential to each individual user.</li> </ul> </li> <li>I am a sole practitioner and have contingency plans in place so that transactions can be completed if I am unexpectedly absent from work.</li> </ul>			
1.4	<ul> <li>Reinforcing key e-dealing requirements</li> <li>We reinforce key requirements received in publications such as Landwrap or the Property Lawyer, through the following methods: <ul> <li>Staff meetings</li> <li>Staff training/induction</li> <li>Other.</li> </ul> </li> <li>As a sole practitioner I have a support network with my peers that enables me to discuss best practice and compliance requirements.</li> <li>The NZLS Property Law Section Property Transactions and E-Dealing Practice Guidelines (PLS Guidelines) and Conduct and Client Care Rules for lawyers and conveyancing practitioners are made visible and reinforced within the firm: <a href="https://www.lawsociety.org.nz/pls">www.lawsociety.org.nz/pls</a></li> </ul>			
1.5	<ul> <li>File retention</li> <li>Our document management process ensures e-dealing related files are stored securely and can be made available for audit purposes for the statutory 10 year period.</li> <li>We understand what evidence we need to retain to support e-dealing certifications (www.linz.govt.nz/kb/282).</li> </ul>			

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2	<b>CERTIFY AND SIGN</b> When completing this section, please consider the process your firm performs prior to certifying and signing an e-dealing	Yes	No	N/A
2.1	Conveyancing Professionals			
	<ul> <li>Complete e-dealing checklists (or an equivalent online workflow recording system) to evidence the checks that have been performed.</li> </ul>			
	Have sufficient knowledge of the transaction to give correct certifications.			
	Check that the authorities needed have been obtained.			
	<ul> <li>Check that the Authority &amp; Instruction (A&amp;I) form is completed in its entirety with all names and dates in full, and details of the documents are properly recorded.</li> </ul>			
	<ul> <li>Check that the client(s) identity has been established in accordance with Authority and Identity Requirements for E-Dealing Standard 2018 - LINZS20018 and Authority and Identity Requirements for E-Dealing Guideline 2018 - LINZG20775.</li> </ul>			
	Check that Landonline accurately reflects the intention of the documentation.			
2.2	Consents to registration			
	<ul> <li>Examine existing memorials on the Register to determine whether consents to registration are necessary.</li> </ul>			
	<ul> <li>Understand what instruments require consent to registration (<u>www.linz.govt.nz/land/land-registration/prepare-and-submit-your-dealing/consent-requirements</u>).</li> </ul>			
	<ul> <li>When presented with multiple consent options, understand which option applies to the transaction.</li> </ul>			
2.3	Power of Attorney			
	• If the Authority & Instruction (A&I) form is signed by an attorney, we ensure that the Power of Attorney is still able to be operated upon, the transaction is within the scope of the Power of Attorney, the identity of the attorney has been verified and the certificate of non-revocation and Power of Attorney is retained as evidence.			
	• Where an Enduring Power of Attorney under the Protection of Personal and Property Rights Act 1988 is being relied upon, the entire EPA including donor's witness certificate, certificate of non-revocation and non-suspension, and health practitioner's certificate are held as applicable.			
2.4	Statutory requirements			
	<ul> <li>Are aware of the statutory provisions set out in the Certification of Electronic Instruments (Statutory Requirements and Retention of Evidence) Standard 2018 - LINZS20012 that we are giving certifications under.</li> </ul>			
	<ul> <li>Have a process in place to ensure that Landonline warning messages such as Māori land flags, leasehold expiry notifications and trusts, are recognised and appropriate actions are taken so that transactions are appropriately certified in terms of section 27 of the Land Transfer Act 2017.</li> </ul>			
	<ul> <li>Aware of LINZG20728 Guideline for registration of Māori land transactions under Te Ture Whenua Māori Act 1993 (<a href="https://www.linz.govt.nz/regulatory/20728"><u>www.linz.govt.nz/regulatory/20728</u></a>), including:</li> </ul>			
	What instruments require Māori Land Court involvement.			
	• To make enquiries of the Māori Land Court to determine if land is Māori Freehold land.			

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3	<b>CLIENT IDENTITY</b> For additional guidance refer to Authority and Identity Requirements for E-Dealing Standard 2018 – LINZS20018 and Authority and Identity Requirements for E-Dealing Guideline 2018 – LINZG20775	YES	NO	N/A
3.1	Staff involved in verification of identity of our clients:			
	<ul> <li>Understand that verifying identity is an essential safeguard against identity fraud in conveyancing transactions.</li> </ul>			
3.2	Photo Identification (ID)			
	Examine the authenticity of ID documentation.	Щ		Щ
	Rely on the following forms of photo ID:	Ш		Ш
	NZ Driver's licence	Щ		Щ
	NZ Firearms licence	Ш		Ш
	• Passport			
	Other form using Safe Harbour or Equally Effective Means			
	Check the names on the photo ID match the name of the client on the register.			
	• Obtain, where names do not match, corroborating evidence and/or a statutory declaration from the client to confirm he/she is one and the same person.			
	• Check the photo ID is current or expired within the previous 12 months (Safe Harbour).			
	Check the photograph is a reasonable likeness of the client.			
	• Check the signature on the photo ID reasonably matches that on the A&I form where possible.			
	<ul> <li>Obtain a Declaration of Identity when the client does not have a suitable form of NZ government-issued photo ID or foreign passport.</li> </ul>			
	<ul> <li>When using audio-visual technology, such as Skype, to verify client identity we modify section 5 of the A&amp;I form to show that the conditions in section 4.7 of the Authority and Identity Requirements for E-Dealing Guideline 2018 - LINZG20775 were met.</li> </ul>			
3.3	Delegating identity verification checks			
	<ul> <li>Provide guidance as to who is an acceptable delegate witness; including the requirement that the witness be aged 18 years and over, and is independent of the transaction (refer section 4.5 of the Authority and Identity Requirements for E-Dealing Guideline 2018 – LINZG20775).</li> </ul>			
	<ul> <li>Provide guidance as to who is an acceptable witness and the steps the delegate witness must take to witness the execution of the client and verify client identity.</li> </ul>			
	<ul> <li>On receipt of the A&amp;I form and photo ID, check the delegate witness is someone the firm can reasonably rely on to verify client identity and the photo ID obtained is sufficient.</li> </ul>			
	Retain a file note for audit purpose explaining how we came to rely on the witness.			
3.4	<ul><li>High risk transactions</li><li>Act on behalf of new clients who are not previously known to the firm.</li></ul>			
	<ul> <li>Have a good understanding of what constitutes a high risk transaction in terms of the Authority and Identity Requirements for E-Dealing Guideline 2018 – LINZG20775.</li> </ul>			
	<ul> <li>Obtain, in addition to photo ID, a document connecting the client to the physical address of the property, such as a rates demand or bank statement.</li> </ul>			
	<ul> <li>In addition to the above, record a file note for audit purposes the additional steps we take to independently verify client identity.</li> </ul>			
3.5	Safe Harbour and Equally Effective Means			
	<ul> <li>Understand that Safe Harbour is considered best practice and when followed, constitutes reasonable steps for identity verification purposes.</li> </ul>			
	• If opting out of Safe Harbour, we record a file note for audit purposes explaining the reason and how the chosen means are effective.			

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