

TPB Practice Note

TPB(PN) 5/2022

Proof of identity requirements for client verification

Tax Practitioners Board Practice Note

The Tax Practitioners Board (TPB) has released this Practice Note (PN) to provide practical guidance and assistance to registered tax practitioners in relation to verifying client identities.

Disclaimer

This is a TPB practice note (TPB(PN)). It is intended to be for information only. While it seeks to provide practical assistance and explanation, it does not exhaust, prescribe or limit the scope of the TPB's powers in the *Tax Agent Services Act 2009* (TASA) or the *Tax Agent Services Regulations 2009* (TASR).

In addition, please note that the principles and examples in this TPB(PN) do not constitute legal advice and do not create additional rights or legal obligations beyond those that are contained in the TASA or which may exist at law.

Document history

The TPB originally released this document as a draft practice note in the form of an exposure draft on 17 February 2021. The closing date for the submissions was 31 March 2021.

The TPB considered the comments and submissions received and now publishes the following TPB(PN) based on the TASA as at 17 February 2021.

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9. Examples of the types of evidence that need to be sighted to satisfy the above requirements are contained in Table 3 below.

Table 3 – Examples of required evidence

Required evidence to be sighted	Examples
Primary photographic identification document	<ul style="list-style-type: none"> • A driver licence or permit from Australia or overseas, including a digital driver licence • An Australian passport • A government proof of age card issued in Australia • A foreign passport issued by a foreign government or the United Nations • International travel documents issued by a foreign government or the United Nations • A national identity card issued by a foreign government or the United Nations • An ImmiCard provided by the Department of Home Affairs

⁵ A reasonable assessment means an assessment made by a registered tax practitioner exercising their own professional judgment taking into account relevant factors, including those listed at paragraph 21 of this Practice Note, in relation to the legitimacy of an identity.

Required evidence to be sighted	Examples
Primary non-photographic identification document	<ul style="list-style-type: none"> • An Australian birth certificate, birth extract or citizenship certificate⁶ • A foreign birth certificate or citizenship certificate⁷ • A government issued concession card, such as a pensioner concession card, a health care card, or a senior's health care card.
Secondary identification document	<ul style="list-style-type: none"> • A notice from the ATO or other government agency, such as Centrelink, that contains the individual's name and residential address, issued in the past 12 months • A municipal council rates notice or a utilities bill (such as a water, gas or electricity bill) that contains the individual's name and residential address, issued in the past three months • A Medicare card • For an individual aged under 18, a letter from a school principal issued in the past three months that details the individual's name, residential address and when they attended the school, or a student card if available • Electoral roll details (checked against www.aec.gov.au/).
Documentation or data that verifies the existence of non-individual clients	<ul style="list-style-type: none"> • Extracts issued by the Australian Securities and Investments Commission (ASIC) or other Australian Government body • Constituting or governing documentation (for example, trust deed or partnership agreement) • Proof of the non-individual client's business address • Invoices issued/received in the non-individual client's name.

⁶ If the individual has had a legal change of name, the practitioner should request primary non-photographic identification in relation to the name change, for example, a marriage certificate.

⁷ If a foreign birth certificate or citizenship certificate is in a foreign language, the registered tax practitioner must require that the client (or individual representative of the client) provides an accredited English translation if the registered tax practitioner, or person verifying the documents on behalf of the registered tax practitioner, does not understand the foreign language used.

Required evidence to be sighted	Examples
<p>Legal document demonstrating the authority of an individual representative to engage a registered tax practitioner on behalf of an individual client</p>	<ul style="list-style-type: none"> • Official or legal documents demonstrating parental, guardianship or power of attorney representation, for example: <ul style="list-style-type: none"> ○ enduring power of attorney or similar document ○ birth certificate ○ adoption paper ○ court order ○ letter of authority (see paragraphs 13 and 14) ○ signed doctor's letter with explanation of circumstances. • Verbal authority after verifying the individual client and individual representative's identities in accordance with the requirements of Table 2.
<p>Legal document demonstrating the authority of an individual representative to engage a registered tax practitioner on behalf of a non-individual client</p>	<ul style="list-style-type: none"> • An Annual Company Statement or current company extract from Australian Securities & Investment Commission (ASIC), identifying the individual as an officeholder • Confirmation from ASIC that the individual is an officeholder; for example, through the ASIC registered agent portal if you are also an ASIC registered agent • A trust deed • A partnership agreement • The constitution • The constitution of a registered cooperative • Copies of board meeting minutes documenting the appointment • Verbal authority from an existing authorised representative or officeholder (after verifying that person) • ABR details • Employment contract indicating position; for example, tax manager • The representative is clearly identified on the business's website as holding a relevant role to the management of the business's taxation, superannuation or finance functions.