

IMPORTANT
OVERSEAS WITNESS & IDENTIFICATION REQUIREMENTS

Seller(s) are required to sign the attached Transfer of Land document at an Australian Consulate. Your signature **MUST** be witnessed by an Australian Consular Officer and they must also complete the full identity check on you.

What you are required to do:

- Attend Australian Consulate and bring with you
 - Transfer of Land Document (attached)
 - Identification Certificates (attached)
 - Current **ORIGINAL** Council Rates Notice
 - Current Passport
 - Current Drivers Licence

- An Australia Consular Officer is required to
 - Complete the Identification Certificate
 - Witness you sign the Transfer of Land document (you sign in their presence, then the Officer must sign as witness and write their full name, address and Consular Position (occupation), Consulate Office & phone number)
 - Make Copies of your ORIGINAL Council Rates Notice, Passport & Drivers Licence. On the copies the Consular Official must certify by writing on the copies "I certify this to be a true copy of the original document" and then sign each copy and write their full name, position and consular office address.

Once this has been completed, you must return to us the Transfer of Land Document, Identification Certificate and Certified copies of your Passport, Drivers Licence & Council Rates Notice.

Buyer(s) may currently utilise one of the following witnesses for an instrument like Transfer of Land (from S.145 (1) (b) of Transfer of Land Act)

In the case of such a document executed outside Australia, the Registrar is satisfied that each signature is witnessed by a person who is not a party to the instrument or power of attorney and who is —

- (i) a notary public; or
- (ii) an Australian consular officer; or
- (iii) an elected member of Parliament or other representative body at the equivalent of State or federal level; or
- (iv) a judge or magistrate; or
- (v) qualified and entitled to practise law; or
- (vi) qualified and entitled to practise as a doctor of medicine; or
- (vii) qualified and entitled to practise as a civil, electrical or mechanical engineer; or
- (viii) qualified as a school teacher; or
- (ix) a university lecturer; or
- (x) the mayor of a town or city; or
- (xi) a person with managerial responsibility in a bank.

From May 2015 Electronic Conveyancing will require the Buyer(s) to also meet the Australian Consular officer Witness Along with their Verification of Identity requirement.. **However** if you are obtaining a **new mortgage** the **Lender** will currently likely require the **Australian Consular Officer** Verification of ID, along with Client Authorisation Form, and witness requirement for their mortgage(s) instrument.

Below cites Land Titles Registration Practice Manual- Edition 12.0 © Western Australian Land Information Authority- Government of Western Australia Section 1.10.1

Instruments under the Act signed by any person and attested by one witness are duly executed, where:

- the witness is not a party to the instrument
- the witness has signed the document
- the witness is an adult and there appears on the instrument the full name, address and occupation of the witness, in English script below the witness' signature. The details of the witness must be able to be clearly read by the **Registrar of Titles**
- the instrument is signed within Australia or a Territory of Australia including the Cocos (Keeling) Islands or Christmas Island
and
- the signature of each person is separately attested.

A party to a document and a witness must sign using their usual signature, which may be by printing the name, or using English or other language script, thumb print or other mark. To assist communication with witnesses, if necessary, it would be helpful if the telephone number at which the witness can ordinarily be contacted during business hours is added after his or her occupation.

Where ***an instrument is signed in any country that is outside Australia or a Territory of Australia***, the witness must be one of the persons set out in s.145 (1) (b) of the Transfer of Land Act.

Where an instrument is executed but not attested in the manner provided above and the genuineness of the signature and handwriting of the person signing is proved to the satisfaction of the Registrar, by the statutory declaration of a person well acquainted with the person signing, who:

- identifies the instrument for which the declaration is required or supplied
- declares positively that the signature thereon is the true signature and handwriting of the person executing the instrument
and
- states how and over what period the declarant has obtained a sufficient knowledge of the signature and handwriting of that person;

then the instrument may be accepted for registration by virtue of s.145(3) of the Transfer of Land Act.

Declarations of this nature must be lodged with the document and will be inspected by the document examiner when the complete dealing is examined. Signatures must be in ink. Ball point pens and felt tip pens are acceptable for use on documents.

The Registrar expects signatures to be written, not printed, and the presence of a printed name on a document raises the question of whether the document has been signed. Where the printed signature is duly witnessed, the witness is testifying that the document has been signed, but where the printed signature is that of the witness there is a possibility of a later denial, both as to the witness and the party to the document. In cases where the signature of a witness is printed the Registrar will request confirmation that the witness did indeed witness the attestation of the document, and that the signature on the document is the normal signature of the witness.