

**When execution Outside of Australia the Right to Deal individual Person(s)** are required to sign the attached Transfer of Land and also Client Authorisation Form (CAF) plus any Statutory Declaration document and evidence 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 and witness and certify any applicable Identity documents and mentioned evidence.

**What you are required to do:**

- Attend Australian Consulate and bring with you
  - Transfer of Land Document (attached or refer to Setts Hub) **In case Settlement reverts to paper Settlement.**
  - Identification Certificates & CAF ([attached](#) or refer to Setts Hub)
  - Current Passport
  - Current Drivers Licence
  - If applicable any other required Landgate documents like Statutory Declaration (attached or refer to Setts Hub) to be witnessed by them along any Supporting Evidence mentioned in the Declaration for them to 'certify this to be a true and correct copy of the original documents(s)'
  
- An Australian Consular Officer is required to
  - Complete the [Identification Certificate](#)
  - Witness the [Client Authorisation Form \(CAF\)](#)
  - Witness you sign the **Transfer of Land** (plus any other declaration) **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 ID, Passport & Drivers Licence, plus applicable supporting evidence. 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** (plus any other) Document, **Identification Certificate** and **Certified copies** of your Passport, Drivers Licence & Council Rates Notice (any declaration referenced evidence i.e. Change of name or Grant of Probate, Letters of Administration) Best to send us scanned copy (SettsHub or password protected email attachment) to check before posting any originals NB: SettsHub is only available for Australian mobile number able to receive SMS (two factor authentication).

From May 2015 Electronic Conveyancing will require ALL Parties to meet the Australian Consular officer to Witness Along with their *Verification of Identity* requirement. *Client Authorisation* Wet-Ink Document(s) (with certification of supporting evidence as applicable) witnessing and certification is required. Additionally, any New mortgages will currently likely require the **Australian Consular Officer** Verification of ID and witness requirement for their mortgage(s) instrument (supporting evidence as applicable) and Client Authorisation Form. Excerpt from <https://smartraveller.gov.au/services/legalising-documents/Pages/overseas.aspx>

Each Australian state and territory has different rules in relation to land or property transactions. To have a property transfer document witnessed overseas, you should have clear written instructions from your legal representative. This will guide DFAT through the requirements for your specific transaction.

If you need verification of your identity for your property transaction, you must attend the Australian overseas mission in person. You will need the document that needs witnessing and the original identification documents for verification of your identity. DFAT will establish your identity, watch you sign the property transfer form, certify copies of your identification documents then prepare a DFAT Identity Certificate to verify your identity.

## How will we charge for this service?

DFAT will charge you the relevant witnessing fee for each signature that requires witnessing on your document.

DFAT will charge you the relevant certification fee for each identification document that requires certifying to verify your identity.

The DFAT Identity Certificate is free of charge.

### [Annex 12.2 - DFAT Identity Certificate - Witnessing Signature and Identity Certification.pdf](#)

*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 (Landgate -property dealing registrar, registrable document) is signed in any country that is outside Australia or a Territory of Australia*, the form must be printed **double-sided** on Australian standard **A4 sized**- white paper.**

#### Standard Australian A4 Paper Size

<b>A4 size</b> in inches:	8.27in x 11.69in
<b>A4 size</b> in millimetres:	210mm x 297mm
<b>A4 size</b> in centimetres:	21cm x 29.7cm
<b>A4 size</b> in points:	595pt x 842pt
<b>A4 size</b> in picas:	50pc x 70pc

Highly recommend at least documents be duplicate (two copies) or triplicate (three copies) be executed and include two (2) sheets of same spare blank stock (paper cover sheets) from same ream with return of the wet-ink document(s).

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.