



DAVIS LAWYERS

Legal Insights

WITNESSING REQUIREMENTS FOR PAPER BASED LAND DEALINGS AROUND AUSTRALIA

State	People who can witness signatures
QLD	<p>If the form is being executed in Australia, the witness must be either:</p> <ul style="list-style-type: none"> • a Justice of the Peace; • a Commissioner for Declarations; • an Australian lawyer; • a notary public; • a licensed conveyancer; • another person approved by the Registrar of Titles. <p>If the form is being witnessed outside Australia, the witness must be either:</p> <ul style="list-style-type: none"> • an Australian consular officer or authorised employee of the Australian Government; • a notary public; • an Australian lawyer; and • a New Zealand lawyer.
NSW SA TAS VIC	<p>Any witness to the execution of a dealing or other instrument must be a person who:</p> <ul style="list-style-type: none"> • is at least 18 years of age; • is not a party to the dealing or instrument; and • was present at the signing of the dealing or instrument <p>In respect of each witness, the full name and street address must be stated (a PO Box or DX is not acceptable).</p>
WA	<p>In the case of such a document executed in Australia, the Registrar is satisfied that each signature is witnessed by a person:</p> <ul style="list-style-type: none"> • who is not a party to the instrument or power of attorney; • who is not a minor and not under any other legal disability; and • whose full name, address and occupation are stated on the instrument or power of attorney; or

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WA	<p>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:</p> <ul style="list-style-type: none">• a notary public;• an Australian consular officer;• an elected member of Parliament or other representative body at the equivalent of State or federal level;• a judge or magistrate;• qualified and entitled to practise law;• qualified and entitled to practise as a doctor of medicine;• qualified and entitled to practise as a civil, electrical or mechanical engineer;• qualified as a school teacher;• a university lecturer;• the mayor of a town or city; or• a person with managerial responsibility in a bank.
NT	<p>If signing in Australia:</p> <ul style="list-style-type: none">• accountants;• branch or lending manager of a bank, building society or credit union;• commissioner of declarations;• commissioner of oaths;• commissioner for taking affidavits;• deputy Registrar of Titles;• deputy registrar-general;• headmaster or principal of school;• justice of the peace;• legal practitioner;• licensed conveyancing agent;• licensed real estate agent;• licensed surveyor;• medical practitioner;• member or officer of a police force;• notary public;• pharmacist;• postmaster or manager of a post office;• Recorder of Titles;• Registrar of Titles;• Registrar General; or• town clerk or chief executive officer of a local government council <p>NOTE: lawyer signing as mortgagee MUST also have signature witnessed</p>

DISCLAIMER

This document does not constitute legal advice and should not be relied upon as such. It is intended only to provide a summary and general overview on matters of interest and it is not intended to be comprehensive. You should seek legal or other professional advice before acting or relying on any of the content.