

# WITNESSING AND IDENTITY VERIFICATION REQUIREMENTS FOR TRANSFER OF LAND DOCUMENTS EXECUTED OUTSIDE OF AUSTRALIA

## *Summary*

The following requirements only relate to transfer of land documents where the Buyer (Transferee/s) executes the transfer outside of Australia. The requirements are summarised as follows:

- transfer of land documents executed by Buyer/s (transferees) outside of Australia are required to be witnessed by an Australian consular officer;
- prior to witnessing the execution of the transfer of land, the Consular Officer is to undertake an identity check of the transferee(s) and provide certified copies of all the identity documents sighted; and
- Conveyancers then provide the original certified copies of the identity documents, sighted by the Consular Officer who witnessed the transfer of land, to the Registrar of Titles at the time of lodging the transfer of land at Landgate.

## *Identification Documents Required*

The person who is being identified should produce to the person who performs the identification, all the current and original identity documents specified either in Category 1 or Category 2 as detailed in the table below:

Category	Minimum Document Requirements
1	1. Australian or Foreign Passport plus 2. Drivers Licence or other equivalent Photo ID issued by a Government body
2	1. Australian or Foreign Passport or Birth Certificate if a Passport has not been issued plus 2. Drivers Licence or other equivalent Photo ID issued by a Government body

### ***Information regarding the Consulate***

An Australian consular officer is defined by section 145(4) of the TLA as a person appointed to hold or act in any of the following offices (being an office of the Commonwealth) in a country or place outside the Commonwealth, such as:

- ambassador
- minister
- high commissioner
- head of mission
- commissioner
- chargé d'affaires
- consul or secretary at an embassy
- high commissioner's office
- legation or other post
- consular-general
- consul
- vice-consul,
- trade commissioner, and
- consular agent

Consular services currently provided overseas to Australians include legal / notary services such as witnessing documents related to the sale or purchase of land in Australia. Note that in some countries the Canadian Embassies provide consular services to Australians. Consular Officers at those Embassies may fall within the definition of a Consular Officer detailed above and will satisfy the new identity verification and witnessing requirements detailed in this CIB. A Consular Officer at the Australian Commerce and Industry Office in Taipei, Taiwan will also be accepted. Please refer to the latest information on the Department of Foreign Affairs and Trade's web site <https://www.dfat.gov.au/missions/>.

**We strongly encourage you to contact the Consulate you intend to visit prior to travelling to that Consulate, to confirm that notary services are provided and will be available at the time of your intended visit.**







