

September 2019

# Notice of inability to witness titles registry forms

## Previous references

Supersedes Technical Bulletin 09/09 *New land title notice available to download*

The persons authorised to witness the signing of registry forms are prescribed under the Land Title Act 1994. Witnesses are legally obliged to comply with the requirements of section 162 of the Act before they can witness your signature. Only completed, unsigned forms presented in their entirety can be witnessed.

See *Land Title Act 1994*, section 162 and *Land Act 1994*, section 311.

When seeking the witnessing of your signature on a registry form, you **must** present items of evidence to the witnessing officer upon request.

### 1. Proof of your identity

Category	Minimum Document Requirements
	<b>For Persons who are Australian citizens or residents:</b>
1	Australian Passport or foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard <u>plus</u> Australian drivers licence or Photo Card <u>plus</u> change of name or marriage certificate if necessary
2	Australian Passport or foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard <u>plus</u> full birth certificate or citizenship certificate or descent certificate <u>plus</u> Medicare or Centrelink or Department of Veterans' Affairs card <u>plus</u> change of name or marriage certificate if necessary
3	Australian drivers licence or Photo Card <u>plus</u> full birth certificate or citizenship certificate or descent certificate <u>plus</u> Medicare or Centrelink or Department of Veterans' Affairs card <u>plus</u> change of name or marriage certificate if necessary
4	(a) Australian Passport or foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard plus another form of government issued photographic identity Document plus change of name or marriage certificate if necessary  (b) Australian Passport or foreign passport or Australian Evidence of Immigration Status ImmiCard or Australian Migration Status ImmiCard plus full birth certificate plus another form of government issued identity Document plus change of name or marriage certificate if necessary
5	(a) Identifier Declaration plus full birth certificate or citizenship certificate or descent certificate plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary.  (b) Identifier Declaration by a Person specified in Verification of Identity Standard paragraph 4.4(e) plus Medicare or Centrelink or Department of Veterans' Affairs card plus change of name or marriage certificate if necessary. <i>Note: Refer to Verification of Identity Standard paragraph 4.</i>
	<b>For Persons who are not Australian citizens or residents:</b>
6	(a) Foreign passport <u>plus</u> another form of government issued photographic identity Document <u>plus</u> change of name or marriage certificate if necessary  (b) Foreign passport <u>plus</u> full birth certificate <u>plus</u> another form of government issued identity Document <u>plus</u> change of name or marriage certificate if necessary.



## 2. Evidence of entitlement to sign the documents

For a **mortgagor**, evidence that may assist in establishing entitlement to sign may include originals, copies or records of the following:

- a current title search
- a current local government rates notices
- current utility bills for the property
- a current land tax assessment notice for the property
- loan documentation for the property
- the mortgage granted by the mortgagor (if one (exists)).

For a party coming on the title, such as a **transferee** or a **mortgagee**, evidence that may assist in establishing entitlement to sign may include originals, copies or records of the following:

- a contract of sale for the property
- loan documentation.

Legal practitioners and financial institutions should be aware of the above requirements and of the need to advise their clients to present this type of documentation to the witness when signing a registry form.

For further information please contact a titles registry customer service officer by telephone 1300 255 750 during normal business hours, or visit the Department of Natural Resources and Mines website.

### Legislation and further reading

Chapter 4.11 - Duties of Justices of the Peace (Qualified) and Duties of Commissioners for Declarations handbooks

[JP and Cdec handbooks](#)

*Land Title Act 1994 and Land Act 1994*

[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

Part 61 – “Witnessing and Execution of Instruments or Documents” of the Land Title Practice Manual (LTPM) which is available online at [Land Title Practice Manual](#)

Regards,



Damien Mealey  
**Registrar and Manager**  
**Justices of the Peace Branch**  
**Department of Justice and Attorney-General**