



LANDS TITLES DIVISION

A DIVISION OF THE DEPARTMENT OF LANDS

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NOTICE TO LODGING PARTIES

PERSONS AUTHORISED TO TAKE PROOFS OF REAL PROPERTY ACT DOCUMENTS

Where a Real Property Act document is executed in South Australia the following persons may take either the short or long form of proof:-

- Registrar-General
- Deputy Registrar-General
- Notary Public
- Justice of the Peace
- Commissioner for taking Affidavits in the Supreme Court of South Australia
- Proclaimed Bank Manager
- Proclaimed Postmaster
- Proclaimed Police Officer

As to the three last-mentioned persons the provisions of Section 34 of The Oaths Act 1936 apply i.e. the place of proclamation must be stated.

In other States and Territories of Australia the following persons are competent to take a proof of a Real Property Act document:-

NORTHERN TERRITORY

- Commissioner for Oaths
- Notary Public
- Justice of the Peace
- Legal Practitioner
- Member of the Legislative Assembly
- Persons holding an office under the Supreme Court Act, the Local Court Act or the Registration Act:-

These persons include:

- Supreme Court Judges, the Master, Deputy Masters, the Registrar and other miscellaneous officers under section 50 of the Supreme Court Act
- persons appointed as Registrars, Deputy Registrars and Acting Registrars of the Local Court under the Local Court Act
- persons appointed Registrar-General or Deputy Registrar-General under the Registration Act

- Member of the Police Force
- Person Licensed as a Real Estate Agent, or Business Agent under the Land and Business Agents Act

QUEENSLAND

- Registrar of Titles
- Notary Public
- Justice of the Peace
- Commissioner for taking Affidavits
- Barrister at Law
- Solicitor
- Conveyancer

NEW SOUTH WALES

- Justice of the Peace
- Notary Public
- Commissioner for taking Affidavits
- Bank Manager
- Solicitor
- Barrister
- Clerk of Petty Sessions
- Headmaster/Headmistress of a School
- Postmaster
- Medical Practitioner
- Member of Parliament (Commonwealth or State)
- Member of the Police Force
- Minister of Religion
- Mayor, Town or Shire Clerk or other Executive Officer Administering Local Government
- Magistrate
- Commissioned Officer in the Defence Force
- Judge
- Australian or British Consular Officer
- Governor
- Government Resident
- Chief Secretary or Registrar of Titles

AUSTRALIAN CAPITAL TERRITORY

- Registrar of Titles
- Deputy Registrar of Titles
- Justice of the Peace
- Commissioner for Declarations
- Barrister
- Solicitor

VICTORIA

- Registrar of Titles
- Justice of the Peace
- Bail Justice
- Notary Public
- Barrister and Solicitor of the Supreme Court
- Clerk to a Barrister and Solicitor
- Prothonotary or Deputy Prothonotary of the Supreme Court
- Registrar or a Deputy Registrar of the County Court
- Principal Registrar of the Magistrate's Court
- Registrar or Deputy Registrar of the Magistrate's Court
- Registrar of Probates or Assistant Registrar of Probates
- Judge or Associate to a Judge of the Supreme Court or the County Court
- Secretary of a Master of the Supreme Court or of the County Court
- Person registered as a Patent Attorney under Part XV of the Patents Act 1952 of the Commonwealth
- Fellow of the Institute of Executives (Vic)
- Member of the Police Force
- Sheriff or a Deputy Sheriff
- Member or former Member of either House of the Parliament of Victoria OR Commonwealth
- Councillor of a Municipality
- Town Clerk or Shire Secretary
- Legally qualified Medical Practitioner
- Dentist
- Veterinary Surgeon
- Pharmacist
- Principal in the Teaching Service
- Bank Manager (Not Proclaimed)
- A Member of the Institute of Chartered Accountants in Australia or the Australian Society of Accountants or the National Institute of Accountants
- Secretary of a Building Society
- Minister of Religion authorised to celebrate Marriages
- Person who holds an office in Public Service (Victoria) that is prescribed to receive affidavits or witness Statutory Declarations

TASMANIA

- The Recorder of Titles
- Notary Public
- Commissioner for Declarations
- Justice of the Peace
- Legal Practitioner
- Town Clerk
- Postmaster
- Head Master (State School)
- Bank Manager
- Accountant
- Manager of a Building Society
- Secretary of a Building Society

WESTERN AUSTRALIA

- Commissioner or Registrar of Titles
- Assistant Registrar of Titles
- Justice of the Peace
- Notary Public
- Commissioner for Declarations
- Town or Shire Clerk (Under the Local Government Act 1960)
- Member of a Municipal Council (Under the Local Government Act 1960)
- Electoral Registrar (Under the Electoral Act 1907)
- A person in charge of a Post Office
- State or Commonwealth Public Servants
- Teacher (Under the Education Act, 1928)
- Police Officer
- Bank Manager (Under the Banking Act, 1959 or under a written law of the State; Building Societies Act 1976; Credit Unions Act 1979)
- Secretary (Under the Industrial Relations Act 1979 Conciliation and Arbitration Act)
- Medical Practitioner
- Practitioner (Under the Legal Practitioners Act 1893)
- Pharmaceutical Chemist
- Member of the Academic staff of an Institution providing Post-Secondary Education
- The holder of a license (Under the Real Estate and Business Agents Act 1978 or Settlements Agents Act 1981)
- Insurance Broker (Under the Insurance Agents & Brokers Act 1984 of the Commonwealth)
- Auditor or Liquidator (Under the Companies (WA) code)
- Member of either House of Parliament of the State or Commonwealth.

If a document is executed within any country forming part of Her Majesty's dominions, for example, England, Canada and New Zealand, any person having authority in that place to take an oath or declaration is competent to take a proof of a South Australian document

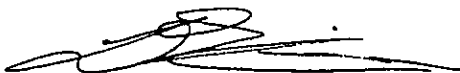
Persons with the following capacity in those countries have been accepted by this office in the past, and will continue to be accepted:

- Barrister
- Solicitor
- Bank Manager
- Clerk of Petty Sessions
- Commissioner for taking Affidavits
- Head Master of School
- Judge
- Justice of the Peace
- Magistrate
- Notary Public
- Mayor or Chief Officer (Local Government)
- British or Australian Consular Officer
- Governor
- Government Resident
- Chief Secretary
- Registrar of Titles

This list is not exhaustive.

Clients sending documents overseas to be executed should be aware of the provisions of Section 267 of the Real Property Act, 1886 and would be well advised to read Jessup's Lands Titles Office Forms and Practice, Seventh Edition, paragraphs (1201) and (1202).

This NOTICE sets out the current situation. At a recent Conference in Adelaide, Registrars from all jurisdictions in Australasia agreed that they should consider opportunities for uniformity in Torrens Titling systems. Execution and attestation of documents were identified specifically as issues for further attention.



LB. KIDD
REGISTRAR-GENERAL
25.11.1991