

# Witnessing Requirements for Mortgages in Western Australia

The signature of a mortgagor in a mortgage document is duly executed under the *Transfer of Land Act 1893* (WA) (the Act) when signed by any person and attested by one witness 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.

Where a mortgage document is required to be executed and witnessed outside of Australia, the witness must be an Australian Consular Officer within the meaning of section 145(4) of the Act (fees apply).

The Registrar of Titles may, in exceptional circumstances, accept an alternative witness within the meaning of Section 145(1)(b) of the Act for a mortgage which requires witnessing by an Australian Consular Officer. In these cases, the lawyer acting for the mortgagee should seek prior approval of the Registrar of Titles.

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.

Signatures must be in ink. The use of black or blue ballpoint or felt tips pens is recommended when signing.

**Please Note:** A mortgage is one of the documents that is subject to the Western Australian Registrar and Commissioner of Titles Joint Practice: Verification of Identity (the VOI Practice). This means that the identity of the mortgagor must be verified either prior to or at the time the mortgage is executed in accordance with the VOI Practice.