

Circular

No: 2012/01
 Date: April 2012

New requirements for authorised witnesses under the *Oaths Act 1900*

Land and Property Information, a division of the Department of Finance and Services is officially registered in the Australian Business Register and also registered for GST. Its ABN is 84 104 377 806.

From 30 April 2012, authorised witnesses such as Justices of the Peace and solicitors who witness statutory declarations or affidavits will be required to:

- see the face of the person making the statutory declaration or affidavit, unless there is a 'special justification'
- confirm the person's identity by sighting an identification document, unless they have known the person for 12 months, and
- certify on the statutory declaration or affidavit that these requirements have been met.

The new requirements are provided for in the *Identification Legislation Amendment Act 2011* which inserts a new Part 6 into the *Oaths Act 1900*.

A number of LPI forms incorporate statutory declarations that must be signed by authorised witnesses. These forms are listed in the table below. Updated versions that incorporate wording to satisfy the new requirements will be accessible on our website by 30 April 2012.

Real Property Act dealing forms	Form number
Cancellation of Caution	17CC
Cancellation of Recording of Abandoned Easement	20EA
Cancellation of Writ	09WW
Caveat	08X
Caveat Affecting a Primary Application	00PAX
Change of Name	10CN
Covenant Charge	13CVC
Foreclosure	04FM
Lease	07L
Possessory Application	04YA
Primary Application	00PA
Removal of Restrictions	13KR
Sublease	07SL
Transfer Severing Joint Tenancy	01TJ
Writ	09W
Water Access Licence forms	Form number
Caveat	W-08X-0601
Change of Name	W-10CN-0601
Transfer Unilaterally Severing Joint Tenancy	W-01TJ-0601

Customers are strongly encouraged to use the new forms as **all** statutory declarations made by authorised witnesses on or after 30 April 2012 must comply with the new requirements. LPI will continue to accept old forms that include statutory declarations made on or after 30 April 2012 only if they are accompanied by a separate statutory declaration including the new wording.

Further information

All LPI Real Property Act and Water Access Licence dealing forms can be accessed on the LPI website at www.lpi.nsw.gov.au/land_titles/dealing_forms.

A statutory declaration form is published at www.lpi.nsw.gov.au/land_titles/general_forms.

General inquiries about LPI procedures may be made by telephone to 1300 052 637 or by email to GeneralEnquiry@lpi.nsw.gov.au.