

	No legislative developments
	Addressed by temporary legislation
	Addressed by permanent legislation
**	Legislation in draft form

> Legislative reforms in relation to execution of deeds and agreements

	INDIVIDUALS			COMPANIES		STATUTORY CORPORATIONS AND FOREIGN CORPORATIONS	
	Deeds (form and execution)	Remote witnessing	Electronic execution under s127	Deeds (form and execution)	Remote witnessing	Deeds (form and execution)	Remote witnessing
Federal Government¹ [Temporary legislation proposed expiry: 15 Sept 2021]	N/A	N/A	** Electronic execution and 'split execution' permitted.	** Deeds may be in electronic form and signed electronically.	** Witnessing of the affixation of a common seal can be done remotely.	No changes to existing requirements.	No changes to existing requirements.
New South Wales² [Temporary legislation current expiry: 1 Jan 2022]	Deeds may be in electronic form and signed electronically. ³	Signing may be witnessed by audiovisual link, with a number of procedural requirements.	N/A	No changes to existing requirements. Deeds signed by individuals as attorneys can be electronic. ⁴	Signing may be witnessed by audiovisual link, with a number of procedural requirements.	No changes to existing requirements.	Signing may be witnessed by audiovisual link, with a number of procedural requirements.

¹ [Treasury Laws Amendment \(2021 Measures No. 1\) Bill 2021](#). Also note that the definition of 'document' applying in the *Corporations Act 2001* (Cth) was expanded by the [Corporations Amendment \(Corporate Insolvency Reforms\) Act 2020](#) (Cth) to cover electronic documents.

² Part 2B of the [Electronic Transactions Act 2000](#) (NSW) (the **Act**), as inserted by section 1.5 of the [Stronger Communities Legislation Amendment \(Courts and Civil\) Act 2020](#) (NSW).

³ Section 38A of the [Conveyancing Act 1919](#) (NSW).

⁴ Section 38A of the [Conveyancing Act 1919](#) (NSW).

INDIVIDUALS

COMPANIES

STATUTORY CORPORATIONS AND
FOREIGN CORPORATIONS

	Deeds (form and execution)	Remote witnessing	Electronic execution under s127	Deeds (form and execution)	Remote witnessing	Deeds (form and execution)	Remote witnessing
Victoria [Bill before Parliament]	** Deeds may be in electronic form and signed electronically. ⁵	** Signing may be witnessed by audiovisual link, with some procedural requirements. ⁶ In Victoria deeds do not need to be witnessed	N/A	** Deeds may be in electronic form and signed electronically. ⁷	** Signing may be witnessed by audiovisual link, with some procedural requirements. ⁸	** Deeds may be in electronic form and signed electronically. ⁹	** Signing may be witnessed by audiovisual link, with some procedural requirements. ¹⁰
Queensland¹¹ [Temporary legislation current expiry: 30 Apr 2021]	Deeds may be in electronic form (even without the consent of another signatory or party) and signed electronically.	Deeds may be signed without a witness. Witnessing can be done by audiovisual link, with significant procedural requirements.	N/A	Deeds may be in electronic form (even without the consent of another signatory or party) and signed electronically.	Deeds and general powers of attorney for corporations may be signed without a witness. Witnessing can be done by audiovisual link, with significant procedural requirements.	Deeds may be in electronic form and signed electronically. Statutory corporations and foreign corporations may sign deeds (without a seal). In addition, foreign corporations may sign deeds according to the law of their place of incorporation. Deeds may be signed by 'split execution'.	Deeds and general powers of attorney for corporations may be signed without a witness. Witnessing can be done by audiovisual link, with significant procedural requirements.

⁵ Section 67 of the [Justice Legislation Amendment \(System Enhancements and Other Matters\) Bill 2021](#).

⁶ Parts 10-13 of the [Justice Legislation Amendment \(System Enhancements and Other Matters\) Bill 2021](#).

⁷ Section 67 of the [Justice Legislation Amendment \(System Enhancements and Other Matters\) Bill 2021](#).

⁸ Parts 10-13 of the [Justice Legislation Amendment \(System Enhancements and Other Matters\) Bill 2021](#).

⁹ Section 67 of the [Justice Legislation Amendment \(System Enhancements and Other Matters\) Bill 2021](#).

¹⁰ Parts 10-13 of the [Justice Legislation Amendment \(System Enhancements and Other Matters\) Bill 2021](#).

¹¹ [Justice Legislation \(COVID-19 Emergency Response – Documents and Oaths\) Regulation 2020 \(Qld\)](#).

INDIVIDUALS

COMPANIES

STATUTORY CORPORATIONS AND
FOREIGN CORPORATIONS

	Deeds (form and execution)	Remote witnessing	Electronic execution under s127	Deeds (form and execution)	Remote witnessing	Deeds (form and execution)	Remote witnessing
South Australia ¹²	No changes to existing requirements.	No changes to existing requirements.	N/A	No changes to existing requirements.	No changes to existing requirements.	No changes to existing requirements.	No changes to existing requirements.
Western Australia ¹³ [Temporary legislation current expiry: 31 Dec 2021]	No changes to existing requirements.	Where a 'relevant enactment' requires or permits signing to be witnessed, can be by audiovisual link, with a number of procedural requirements.	N/A	No changes to existing requirements.	Where a 'relevant enactment' requires or permits signing to be witnessed, can be by audiovisual link, with a number of procedural requirements.	No changes to existing requirements.	Where a 'relevant enactment' requires or permits signing to be witnessed, can be by audiovisual link, with a number of procedural requirements.
Tasmania ¹⁴ [Notice current expiry: 17 June 2021 (unless revoked sooner)]	No changes to existing requirements.	The signing of affidavits, declarations or other documents pursuant to specified legislative provisions may be witnessed by audiovisual link and served electronically.	N/A	No changes to existing requirements.	The signing of affidavits, declarations or other documents pursuant to specified legislative provisions may be witnessed by audiovisual link and served electronically.	No changes to existing requirements.	The signing of affidavits, declarations or other documents pursuant to specified legislative provisions may be witnessed by audiovisual link and served electronically.
Australian Capital Territory ¹⁵	No changes to existing requirements.	The signing of affidavits, wills or powers of attorney	N/A	No changes to existing requirements.	The signing of affidavits, wills or powers of attorney	No changes to existing requirements.	The signing of affidavits, wills or powers of attorney

¹² Section 17 of the [COVID-19 Emergency Response Act 2020 \(SA\)](#) and regulation 4 of the [COVID-19 Emergency Response \(Section 17\) Regulations 2020 \(SA\)](#).

¹³ Division 4, Part 2 of the [COVID-19 Response and Economic Recovery Omnibus Act 2020 \(WA\)](#) (the **Act**). Section 25 of the Act states that Division 4 is in addition to, and not in substitution for, the [Electronic Transactions Act 2011 \(WA\)](#) except that regulations 3 and 4 of the [Electronic Transactions Regulations 2012 \(WA\)](#) do not apply in circumstances in which Division 4 applies.

¹⁴ Ministerial notice published in the [Tasmanian Government Gazette dated 17 June 2020](#) pursuant to section 17 of the [COVID-19 Disease Emergency \(Miscellaneous Provisions\) Act 2020 \(Tas\)](#).

¹⁵ Section 4 of the [COVID-19 Emergency Response Act 2020 \(ACT\)](#) (the **Act**), as inserted by Part 1.6 of the [COVID-19 Emergency Response Legislation Amendment Act 2020 \(ACT\)](#).

INDIVIDUALS

COMPANIES

STATUTORY CORPORATIONS AND
FOREIGN CORPORATIONS

	Deeds (form and execution)	Remote witnessing	Electronic execution under s127	Deeds (form and execution)	Remote witnessing	Deeds (form and execution)	Remote witnessing
[Temporary legislation current expiry: At the end of a 3-month period during which no 'COVID-19 emergency' has been in force]		may be witnessed by audiovisual link, with a number of procedural requirements.			may be witnessed by audiovisual link, with a number of procedural requirements.		may be witnessed by audiovisual link, with a number of procedural requirements.
Northern Territory	No changes to existing requirements.	No changes to existing requirements.	N/A	No changes to existing requirements.	No changes to existing requirements.	No changes to existing requirements.	No changes to existing requirements.

> Contacts

Diccon Loxton

Senior Finance Counsel

T +61 2 9230 4791

Diccon.Loxton@allens.com.au

Lauren Rosillo

Lawyer

T +61 2 9230 4993

Lauren.Rosillo@allens.com.au