

Action Point Checklist: Queensland COVID-19 Remote Witnessing of Documents

This checklist has been authored for LexisNexis by *LexisNexis Legal Writer team*

Introductory note:

Queensland Parliament has passed the COVID-19 Emergency Response Act 2020 (“the Act”) to allow witnessing and attestation of documents to take place by audio visual link

[Practice Direction Number 10 of 2020](#), enables the Court to dispense with the requirement under s10 of the Succession Act 1981 (QLD) for *Wills executed between 1 March 2020 and 30 September 2020* that a party be physically in the presence of the testator, subject to the production of evidence to the satisfaction of the registrar:

How to use this checklist:

If a client wishes to make or change their Will during the COVID-19 restrictions, the legal requirements of remote witnessing must be adhered to in order to guarantee the validity of the document

Links to related content:

<https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2020/5620T636.pdf>

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/646837/sc-pd-10of2020.pdf





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The Act and Practice Direction allows witnessing and attestation of documents governed by Queensland Law law to take place by audio visual link

For remote witnessing of wills take care to comply with both the regulations and the [Succession Act 1981](#)

Remote Witnessing		✓
➤	Verify the testator's identity, assess their testamentary capacity, and undertake checks for fraud and undue influence	
➤	Obtain the testators consent If you want to record the meeting.	
➤	The practice Direction requires that the testators inability is either government enforced or recommended, or self-imposed, isolation or quarantine arising from the COVID 19 pandemic	
➤	Ensure that the document being signed by the testator is the same as the document (or copy of the document) to be signed by the witness	
➤	Ensure the witness can view both the face and the signing hand of the testator as the witness must observe the testator sign the document in real time.	
➤	The witness signs the document (either as a counterpart or a scanned copy of the original) as soon as practicable after witnessing the testator sign the document	
➤	Section 10(4) of the Succession Act 1981 requires that the testator observe each witness signing the counterpart or copy document in real time.	
➤	As the process of remote witnessing results in several otherwise identical documents to prove the signatures were properly witnessed ensure that all documents are stored together	
➤	Make a file note of the meeting including the reason for remote witnessing by audio visual link.	

