

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

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

Introductory note:

The Victorian Parliament has passed the [COVID-19 Omnibus \(Emergency Measures\) \(Electronic Signing and Witnessing\) Regulations 2020](#) (“the regulation”) to allow witnessing and attestation of documents to take place by audio visual link

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:

[COVID-19 Omnibus \(Emergency Measures\) \(Electronic Signing and Witnessing\) Regulations 2020](#)





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The regulation allows witnessing and attestation of documents governed by Victorian law to take place by audio visual link

For remote witnessing of wills take care to comply with both the regulations and the Wills Act 1997

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.	
➤	Ensure that the document being signed by the testator is the same as the document to be signed by the witnesses	
➤	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 as soon as practicable after witnessing the testator sign the document below a statement that the document was witnessed via audio-visual link in accordance with the Regulation	
➤	Section 7(1)(c) of the Wills Act 1997 requires that the testator observe each witness signing the counterpart or copy document in real time.	
➤	A copy of the document is transmitted (for example by email or fax) to the next remote witness (if any), who repeats the steps above.	
➤	A copy of the document signed by all witnesses is returned to the Testator who prints that the copy is a true copy of the will signed by them which met the conditions of the regulations	
➤	Make a file note of the meeting including the reason for remote witnessing by audio visual link.	

