

## ***NSW temporary regulations allow for remote witnessing of documents***

**Source:** [NSW legislation](#)

**Date:** 23 April 2020

**Abstract:**

The NSW Government has introduced new regulations under the [Electronic Transactions Amendment \(COVID-19 Witnessing of Documents\) Regulation 2020 \(NSW\)](#) (**Regulations**) which allow for the remote witnessing of certain documents.

The Regulations were made under section 17 of the *Electronic Transactions Act 2000* (NSW) pursuant to the NSW Government's emergency powers introduced by the *COVID-19 Legislation Amendment (Emergency Measures) Act 2020* (NSW). The Regulations are temporary and will expire six months after their commencement.

Under the Regulations:

- documents that require a witness may be witnessed by audio visual link (provided that certain conditions set out in the Regulations are satisfied);
- tasks in relation to witnessing a document may be performed by audio visual link;
- an oath, declaration or affidavit required for a purpose specified in section 26 of the *Oaths Act 1900* (NSW) may be taken or made before an Australian legal practitioner; and
- a statutory declaration may be made before a person before whom a statutory declaration under the *Statutory Declarations Act 1959* (Cth) may be made.

The conditions to be satisfied by a person witnessing a document by audio visual link include:

- observing the signatory signing the document in real time;
- attesting or otherwise confirming the signature was witnessed by signing the document or a copy of the document;
- being reasonably satisfied the document the witness signs is the same document, or a copy of the document signed by the signatory; and
- endorsing the document, or the copy of the document, with a statement specifying the method used to witness the signature of the signatory and that the document was witnessed in accordance with this Regulation.