

Title: COVID-19 Remote Witnessing of documents Queensland

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Source:

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

Abstract: Queensland Parliament has passed the *COVID-19 Emergency Response Act 2020* ("the Act") on 22 April 2020, to protect the health, safety and welfare of persons affected by the COVID-19 emergency. s9 of the Act enables Queensland legal practitioners to use video conferencing technology to conduct a range of transactions that usually require face to face meetings, including wills, general powers of attorney, enduring powers of attorney, advance health directives

Part 3 of the *COVID-19 Emergency Response Act 2020* (QLD) was made by the Qld Parliament to provide for the Reduction of physical conduct between people the Act affects documents executed between 1 March 2020 and 30 September 2020.

[Practice Direction Number 10 of 2020](#), published on 22 April 2020, by the Supreme Court of Queensland empowers a Registrar of the Court with the power to dispense with the requirement under section 10 of the Succession Act 1981 (QLD) ("the Act") that a party be physically in the presence of the testator, subject to the production of evidence to the satisfaction of the registrar:

1. It was the deceased's testamentary intention that the document take immediate effect as their will;
2. that the will was drafted by a solicitor or a solicitor is one of the witnesses to or the person supervising the execution of the will;
3. that the testator executed the document
 - a. in the presence of two witnesses being in the presence of the testator by way of video conference but not physically; or
 - b. in the presence of one witness being in the presence of the testator by way of video conference but not physically;
4. that the witness or witnesses identified the document executed; and
5. that the reason the testator could not execute the will in the physical presence of two witnesses was because of either government enforced or recommended, or self- imposed, isolation or quarantine arising from the COVID 19 pandemic.

The Practice Direction applies to Wills executed between 1 March 2020 and 30 September 2020.