

This table summarises if and how agreements and deeds may be electronically executed and witnessed in each jurisdiction of Australia. It is applicable to individuals and Australian companies only, and to documents governed by the laws of an Australian jurisdiction.

The information in this table is applicable to most forms of agreements and deeds that are governed by the laws of the stated jurisdiction. However, there are exceptions to the requirements set out in this table for particular documents and in particular jurisdictions. If you require more information or would like to discuss your particular transaction, please contact us to discuss.

Jurisdiction	Electronic execution of documents permitted?	Requirements for valid electronic execution	Remote witnessing of documents permitted?	Requirements for remote witnessing of documents
Commonwealth	Yes	Agreements and deeds: No requirement for the signatories to sign the same copy of the document nor the full copy of the document. However where commercially possible we recommend that each signatory sign a full copy of the document, for certainty and consistency.	Yes	<p>Agreements and deeds: No requirement for witnessing when the document is signed by two directors, a director and company secretary, a sole director who is also the company secretary, or a sole director of a company with no company secretary.</p> <p>Documents executed by a company under seal can be witnessed electronically, with the witness able to use technology (for example, Zoom) to observe the fixing of the seal. No requirement for the witnesses to sign the same document as the one to which the seal was affixed.</p>
New South Wales	Yes	<p>Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction).</p> <p>Deeds: Can be executed electronically under power of attorney if certain procedural requirements are met.</p>	Yes	<p>Agreements: Do not need to be witnessed (but can be done for good practice).</p> <p>Deeds: Must be witnessed. Can be witnessed remotely if using audio visual technology if the witness:</p> <ul style="list-style-type: none"> - observes the signatory sign the document in real time;

				<p>- confirms they witnessed the signature by signing the document or a copy of the document;</p> <p>- is reasonably satisfied that the document they sign is the same document or a copy of the document that they observed the signatory sign; and</p> <p>- endorses the document with a statement specifying the method used to witness the signatory's execution and that the document was witnessed in accordance with section 14G of the <i>Electronic Transactions Act 2000</i> (NSW).</p>
Victoria	Yes	<p>Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction).</p> <p>Deeds: Can be executed electronically under power of attorney if certain procedural requirements are met.</p>	Yes	<p>Agreements: Do not need to be witnessed (but can be done for good practice).</p> <p>Deeds: No requirement under law for signatures of attorneys on deeds to be witnessed, however should be done as a matter of good practice.</p> <p>If witnessed remotely, the witness must:</p> <ul style="list-style-type: none"> - observe the transaction (which can include observing a signature or by signing a document confirming a person's identity); - sign to confirm what they have so observed; and - include alongside their signature a statement that: "This document was witnessed using an audio visual link in accordance with all the requirements set out in section 12 of the <i>Electronic Transactions (Victoria) Act 2000</i>."
Queensland	Yes	<p>Agreements: Electronic execution is permitted for individuals and for companies signing under</p>	Yes	<p>Agreements: Do not need to be witnessed (but can be done for good practice).</p>

		<p>power of attorney (provided the governing law of the agreement is an Australian jurisdiction).</p> <p>Deeds: With some exceptions for certain types of deeds, deeds can be executed electronically under power of attorney if certain procedural requirements are met.</p>		<p>Deeds: No requirement under law for signatures of attorneys or authorised representatives on deeds to be witnessed, however should be done as a matter of good practice. If witnessed, a 'special witness' can remotely witness the signatory's execution. A special witness includes an Australian legal practitioner or a notary public (see section 12 of the <i>Oaths Act 1867</i> (Qld) for a full definition).</p> <p>The special witness must:</p> <ul style="list-style-type: none"> - be satisfied, by the sound and images made by the audio-visual link that the signatory is signing the document; - observe the signatory sign each page of the document in real time; - be satisfied that the signatory is freely and voluntarily signing the document; - take reasonable steps to verify the identity of the signatory and that the name of the signatory matches the name written on the document; - sign each page of the document to confirm the document as soon as practicable (but does not have to be on the same day); and - sign a certificate stating certain matters as prescribed by legislation.
Western Australia	Limited	<p>Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction).</p>	No	Not applicable.

		Deeds: Must be in writing and on paper. Electronic execution is not recommended.		
South Australia	Limited	Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction). Deeds: Must be in writing and on paper. Electronic execution is not recommended.	No	Not applicable.
Tasmania	Limited	Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction). Deeds: Must be in writing and on paper. Electronic execution is not recommended.	No	Not applicable.
Northern Territory	Limited	Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction). Deeds: Must be in writing and on paper. Electronic execution is not recommended.	No	Not applicable.
Australian Capital Territory	Limited	Agreements: Electronic execution is permitted for individuals and for companies signing under power of attorney (provided the governing law of the agreement is an Australian jurisdiction). Deeds: Must be in writing and on paper. Electronic execution is not recommended.	No	Not applicable.