The below table summarises if and how agreements and deeds may be electronically executed and witnessed within Australia. The table refers to execution by Australian companies only.

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| **Jurisdiction** | **Expiry date (if applicable)** | **Split execution of deeds / agreements permitted?** | **Requirements for split execution of deeds / agreements** | **Electronic execution of deeds / agreements permitted?** | **Requirements for electronic execution agreements** | **Remote witnessing of deeds / agreements permitted?** | **Requirements for remote witnessing of deeds / agreements** |
| Commonwe alth | Permanent | Yes | Physical split execution by a company signing under section 127 is permitted. | Yes | Documents (both deeds and agreements) can be in paper or electronic form. Electronic execution is permitted for companies signing under section 127 or section 126 subject to the method for signing satisfying an ‘intention’ requirement and a ‘reliability’ requirement set out in section 110A(2).  No requirement for the signatories to sign the same document nor the full copy of the document. However, for administrative and evidentiary reasons, it is recommended that each signatory sign a full copy of the document regardless. | Yes | Documents executed by a company under section 127(2) with a seal can be witnessed electronically, with the witness able to use technology (for example, videoconferencing) to observe the fixing of the seal. No requirement for the witnesses to sign the same copy of the document as the one to which the seal was affixed (though an identical counterpart of that document must be signed by the witness). |
| New South Wales | Permanent | Yes | Permitted for agreements signed by power of attorney or authorised representative, subject to satisfying electronic execution and witnessing requirements.  Permitted for deeds signed by power of attorney subject to satisfying electronic execution and witnessing requirements. | Yes | Agreements: Can be in paper or electronic form. 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). | Yes | Agreements do not need to be witnessed (but should be done as a matter of best practice).  Under New South Wales law, deeds must be witnessed. Can be done remotely if the witness: (1) observes the signatory sign the document in real time; (2) confirms they witnessed the signature by signing the document or a copy of the document; (3) is reasonably satisfied that |

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|  |  |  |  |  | Deeds: Can be in paper or electronic form. Can be executed by electronically by individuals and companies signing under power of attorney if the following are satisfied: (1) Identity and Intent Requirement; (2) Reliability Requirement; (3) Consent Requirement: and (4) execution is witnessed and witness signs. Prudent to include statement that: “This document was electronically signed in counterpart and witnessed over [*insert technology eg. Webex*], an audio-visual link, in accordance with the requirements set out in section 14G of the *Electronic Transactions Act 2000* (NSW)”; Electronic signatures should (for good practice) be affixed to the entire document (but does not need to include the signature of any other person who has or will sign the document).  Electronic execution of a deed by a signatory's authorised representative is not permitted (as representative not generally appointed pursuant to a deed). |  | the document they sign is the same document or a copy of the document that they observed the signatory sign; and (4) endorses the document with a statement specifying the method used to witness the signatory's execution and that the document was witnessed using a specified audio-visual technology in accordance with section 14G of the *Electronic Transactions Act 2000* (NSW). |

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| Victoria | Permanent. | Yes | Permitted for agreements signed by power of attorney or authorised representative, subject to satisfying electronic execution and witnessing requirements.  Permitted for deeds signed by power of attorney subject to satisfying electronic execution and (if applicable) witnessing requirements. | Yes | Agreements: Can be in paper or electronic form. 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: Can be in paper or electronic form. Can be executed electronically individuals and companies signing under power of attorney if the following are satisfied: (1) Identity and Intent Requirement; (2) Reliability Requirement; and (3) Consent Requirement. Prudent to include statement that: “This document was electronically signed in accordance with all the requirements set out in section 12 of the *Electronic Transactions (Victoria) Act 2000*.”; Electronic signature should (as a matter of best practice) be affixed to the entire document (but does not need to include the signature of any other person who has or will sign the document). | Yes | Agreements do not need to be witnessed (but should be done as a matter of best practice).  No strict requirement under law for signatures of attorneys on deeds to be witnessed, however should be done as a matter of best practice.  If witnessed remotely, the witness must:  (1) observe the transaction (which can include observing a signature or by signing a document confirming a person's identity); (2) sign to confirm what they have so observed; and (3) include alongside their signature a  statement that: “This document was witnessed using an audiovisual link in accordance with all the requirements set out in section 12 of the *Electronic Transactions (Victoria) Act 2000.*”. |

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|  |  |  |  |  | Electronic execution of a deed by authorised representative is not permitted (as representative generally not appointed pursuant to a deed). |  |  |
| Queensland | 30 April 2022 (to become permanent upon a proclamation to this effect from Queensland Parliament) | Yes | Permitted for agreements signed by power of attorney or authorised representative. subject to satisfying electronic execution and witnessing requirements.  Permitted for deeds signed by power of attorney or authorised representative subject to satisfying electronic execution and (if applicable) witnessing requirements. | Yes | Agreements: Can be in paper or electronic form. 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: Can be in paper or electronic form. Can be executed electronically individuals and companies signing under power of attorney or by authorised representative if the following are satisfied: (1) Identity and Intent Requirement; (2) Reliability Requirement. Signing by authorised representative does not require the Consent Requirement be met. | Yes | No strict requirement under law for signatures of attorneys or authorised representatives on deeds to be witnessed, however should be done as a matter of best practice. If witnessed, a ‘special witness’ may remotely witness the signatory's execution. A special witness is: (1) a legal practitioner; a notary public; or (2) a 'justice or commissioner for declaration' approved by the chief executive.  The special witness must: (1) be satisfied, by the sound and images made by the audio-visual link that the signatory is signing the document; (2) observe the signatory sign each page of the document in real time (3) be satisfied that the signatory is freely and voluntarily signing the document; (4) take reasonable steps to verify the identity of the signatory and that the name of the signatory matches the name written on the document; (5) sign each page of the document to confirm the document as soon as practicable (but does not have to be |

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|  |  |  |  |  | Execution under power of attorney or by authorised representative requires that the document must also contain a conspicuous statement that the document is a deed, and the electronic signature must be affixed to the entire document (but does not need to include the signature of any other person who has or will sign the document). |  | on the same day); and (6) sign a certificate stating the matters set out in the Queensland COVID-19 Emergency Regulations. |
| South Australia |  | No | n/a | Yes | Agreements: Can be in paper or electronic form. 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 | n/a |
| Western Australia |  | No | n/a | Yes | Agreements: Can be in paper or electronic form. Electronic execution is permitted for individuals and for companies signing under power of attorney | No | n/a |

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|  |  |  |  |  | (provided the governing law of the agreement is an Australian jurisdiction).  Deeds: Must be in writing and on paper. Electronic execution is not recommended. |  |  |
| Tasmania |  | No | n/a | Yes | Agreements: Can be in paper or electronic form. 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 | n/a |
| Northern Territory |  | No | n/a | Yes | Agreements: Can be in paper or electronic form. 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 | No | n/a |

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|  |  |  |  |  | execution is not recommended. |  |  |
| ACT |  | No | n/a | Yes | Agreements: Can be in paper or electronic form. 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 | n/a |