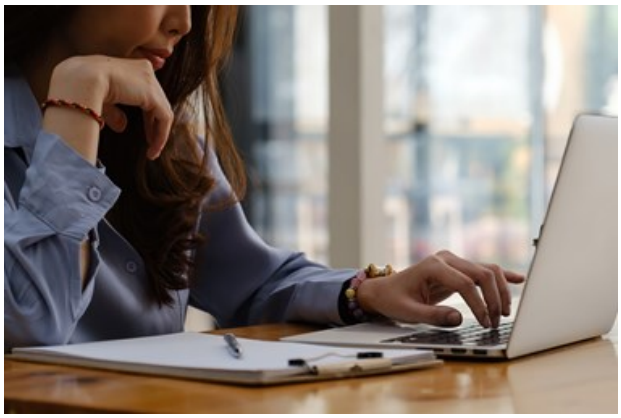


Electronic witnessing of legal documents is here to stay

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The remote witnessing of important legal documents such as Wills, Statutory Declarations and Affidavits over audio-visual link technology is now here to stay! The remote witnessing scheme in NSW was brought in as a response to the COVID-19 pandemic, to allow legal practice to continue and allow people to manage their legal requirements in a safe environment.

The eighteen months of trialling the remote witnessing scheme was highly successful and E&A Lawyers is excited to see it become a permanent fixture of how we can provide our legal services to our clients.

Benefits of remote witnessing for our clients

At E&A Lawyers we have embraced the flexibility of being able to meet with clients via audio-visual link technology (for example, Zoom) and being able to sign documents remotely. With lockdown restrictions easing, this enables our clients to choose how they would like to receive their legal services; in person or remotely if attending our offices may not be an option or preference.

The legislation will permanently allow documents to be witnessed in real-time over audio-visual link. We have found this to be a convenient and efficient way of witnessing some documents which can be both time and cost-effective for our clients.

This legislation also assists our clients in rural, regional, and remote areas have better access to legal services. Whilst vulnerable people such as the older generation and people suffering from illness or disability also have better access to legal services.

What types of documents can be witnessed remotely via audio-visual link?

The documents that you will be able to witness remotely are:

- Your Will
- Your Enduring Power of Attorney
- Your Appointment of Guardian
- A Deed or an Agreement
- An Affidavit; or
- A Statutory Declaration

For some documentation, such as a Statutory Declaration, both people need to be in NSW for the remote witnessing of documents to be valid.

How will ‘remote’ signing of documents work?

The process is quite straightforward.

We are able to watch you sign the document, in real-time via the video conference, and then we attest or otherwise confirm that your signature was witnessed.

This is done by way of us signing the document at a later time or by signing a copy of the document. We also need to add some wording to the document or the copy of the document, as required by the Regulations, referring to how the document was witnessed; i.e. by electronic means.

What technology can be used to witness documents remotely?

The most common forms of audio-visual technology we use to remotely witness documents is Zoom and Microsoft teams. However, other methods may be utilised such as Skype, WhatsApp and Facetime.

Getting help

If you’re unable to attend our office in person to sign your legal documents, or you’re not comfortable doing so during the pandemic, we can provide you with the guidance to sign and witness your documents remotely.

For more information to arrange a consultation with a lawyer, you can call or email us.

Contacting E&A Lawyers

For more information or to arrange a consultation with a lawyer, you can call or email us.

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This article is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact E&A Lawyers.